WHAT TO DO

AND

HOW TO DO IT

A MANUAL OF THE LAW
AFFECTING THE HOUSING AND SANITARY
CONDITION OF LONDONERS

WITH SPECIAL REFERENCE TO

THE DWELLINGS OF THE POOR

ISSUED BY THE

Sanitary Laws Enforcement Society

COMMITTEE

BARONESS BURDETT COUTTS
MISS OCTAVIA HILL
The EARL of SHAFTESBURY
The EARL of DUNRAVEN
SAMUEL MORLEY, M.P.
Rt. Hon. SIR R. ASSHETON CROSS, M.P.
Rt. Hon. G. SHAW LEFEVRE, M.P.
THOMAS BURT, M.P.
The REV. SAMUEL A. BARNETT
H. O. ARNOLD-FORSTER

JAMES KNOWLES (Hon. Sec.)

LONDON
KEGAN PAUL, TRENCH, & CO., 1 PATERNOSTER SQUARE
1884

PRICE ONE SHILLING

F3

WHAT TO DO

AND

HOW TO DO IT

A MANUAL OF THE LAW
AFFECTING THE HOUSING AND SANITARY
CONDITION OF LONDONERS

WITH SPECIAL REFERENCE TO

THE DWELLINGS OF THE POOR

ISSUED BY THE

Sanitary Laws Enforcement Society

COMMITTEE

BARONESS BURDETT COUTTS
MISS OCTAVIA HILL
The EARL of SHAFTESBURY
The EARL of DUNRAVEN
SAMUEL MORLEY, M.P.
Rt. Hon. SIR R. ASSHETON CROSS, M.P.
Rt. Hon. G. SHAW LEFEVRE, M.P.
THOMAS BURT, M.P.
The REV. SAMUEL A. BARNETT
H. O. ARNOLD-FORSTER

JAMES KNOWLES (Hon. Sec.)

LONDON
KEGAN PAUL, TRENCH, & CO., 1 PATERNOSTER SQUARE
1884

CONTENTS.

PART II.

CHAPTER V.

PULLING DOWN AND REBUILDING.

CHAPTER VI.

THE ARTISANS' DWELLINGS ACTS.

CHAPTER VII.

COMPENSATION.

PART III.

CHAPTER VIII.

RAILWAY CLEARANCES.

APPENDIX.

INTRODUCTION.

This Manual is intended for the use of persons interested in promoting the proper housing of our London population, and anxious to secure for the inmates of houses all those benefits with regard to drainage, water supply, good air, and other sanitary conditions which the Law aims at providing.

The work is emphatically not intended to be a law book. Our English statute law is proverbial for its confusion and intricacy. The Acts which form the groundwork of the following pages are examples of the law in its present phases. The references, cross references, amendments and qualifications with which the various statutes regulating the welfare of Londoners abound are enough to drive the unprofessional inquirer to despair. It is idle to pretend that there is any short cut to the centre of this labyrinth, and to indulge in amateur interpretations of the law is a useless and costly amusement.

But between commencing an action at law and setting the law itself in motion through the agency of persons and organisations who exist simply for the purpose of carrying it out, there is a very wide difference. The object of the author will have been attained if he has succeeded in pointing out to readers of this Manual the opportunities which are already open to them for undertaking useful action within the limits referred to. There is no intention of discouraging a close study of the details of the Law; only if such a study be attempted, it must

be with the aid of the statutes themselves, and if possible with the aid of professional advice.

It is hoped, however, that the reader will find in the following pages enough to convince him that the Law has probably gone as far as it can with advantage go in furnishing weapons to the hands of those who are engaged or willing to be engaged in the conflict against squalor, dirt, and overcrowding, and that this handbook may be of service in making known to unprofessional readers some of the means within their reach of remedying or mitigating these great evils.

NOTE.—*Before taking any action under the various powers referred to in these pages the reader should consult Appendix, where he will find the rules and limitations which are imposed upon persons setting the law in force against vestries and other similar bodies. The important qualifications governing the right to recover penalties from offenders against the statute quoted should also be studied, and where any doubt arises as to the signification of terms used in the actual text of statutes, reference should be made to the table of definitions contained in Appendix, p.* 77.

PART I.

CHAPTER I.

THE ADMINISTRATION OF THE LAW

Before proceeding to inquire in detail what are the remedies which the Law provides, it will be useful to show briefly who are the persons and what is the machinery by which these remedies may be applied. The power of initiating, altering, or carrying it into effect is distributed over a large variety of persons and organisations, beginning with a simple individual interested in the removal of nuisances, and ending in the High Court of Parliament.

The following is a list of the persons or organisations entitled to take part in enforcing the law :—

1. Individuals.
2. Charitable Organisations.
3. Local Authorities.
4. Private Companies.
5. The Metropolitan Board of Works.
6. The Metropolitan Police.
7. The Local Government Board.
8. The School Board.
9. The Imperial Parliament.

1. Private Individuals.—There are various methods in which individuals may qualify themselves for insisting upon the

enforcement of the law. Important examples of these statutory rights of interference will be found in the case of the Sanitary Acts referred to on page 14, and of the Elementary Education Amendment Acts (see page 73). In the former enactment the power of setting the law in motion is limited to an inhabitant of the parish or place within which the subject of complaint exists; in the Education Act it is extended to any person.

It must not be supposed that these cases exhaust the occasions where individual interference can produce good results: they are referred to simply because they illustrate the opportunities which the law creates. But there are endless methods by which individuals can create opportunities of useful action for themselves. These will, for the most part, lie in the direction of calling attention to the non-performance or ineffective performance of the duties imposed by law on the paid officers of local authorities.

For instance, the duties of *sanitary inspectors* referred to at page 16 can be rendered much easier, the officers themselves can be encouraged, or if need be, stimulated by the action of friendly but persistent observers. It is necessary to study the extensive powers already conferred upon the vestries in order to put effectual pressure upon those bodies. But it should not be forgotten that those sweeping powers are entrusted to them as the servants of the community by whom they are elected, and that it is the right and the duty of individual members of that community to see that their servants give a good account of their stewardship.

2. Charitable bodies, according to their respective constitutions and objects.

To attempt to define exhaustively the limits within which voluntary charitable associations can usefully avail themselves of the opportunities conferred by the statute law would be impossible within the limits of this handbook. In the main the work of such societies in the direction named must be an

extension of that already alluded to as falling within the scope of individual effort. There are many occasions upon which a society can take advantage of its impersonal character, of the influence of its members, or the extent of its organisation to interfere where individuals would have small hope of success.

3. Local Authorities.—A list of the various local authorities for the Metropolis will be found at p. 84, with the address of the central office in each case. In view also of the important powers exercised by these bodies, and of the advantage which may accrue from their members being recruited from a larger field than hitherto, a short note explaining the qualifications and method of election of vestrymen is added.

The duties and powers of the local authority are very extensive, and will frequently be referred to in these pages. There can be no doubt that many of the most important duties imposed upon the vestries have not hitherto been adequately performed, and this is particularly the case with regard to what may be called their regulating powers. Examples of the many occasions on which the local authority is charged with the duty of supervision and interference will be found hereafter under the heading of the 'Sanitary Acts' (see p. 14).

It will be noticed that for the most part the law enjoining interference is peremptory, and that in the sanitary inspectors, whom the local authorities are entitled to appoint in any numbers they think fit, officers are provided whose declared duty it is to bring to the notice of their employers the departures from the law with which those employers are empowered to deal.

It is not necessary to inquire into the question as to why this duty is in many cases not performed or inadequately performed; the slightest acquaintance with the actual condition of many crowded localities is sufficient to prove the fact that there is frequently either negligence or inability to give full effect to the law.

It is possible to stimulate the activity of the local authorities

in various ways. In many cases friendly representations made to the members may suffice. In other cases it will be well to take the initiative conferred by the law and for individuals to prefer complaints in person to the vestry acting as a regularly constituted authority bound to take action upon due representations being made.[1] Perhaps the most effective method of all by which individuals interested in the due enforcement of the law can secure adequate action on the part of the authorities is by such persons themselves seeking election as vestrymen or members of district boards. Hitherto the election of vestrymen has excited little public interest, and the persons elected, not being subject to any very severe criticism, or strengthened by the power of public opinion, have in many cases failed to exhibit the energy, interest and persistence which the serious nature of the work entrusted to them imperatively demanded. In a word, therefore, if you wish to see the vestry do its work, become a vestryman.

4. Private Companies.—The action of private companies formed for the purpose of building upon land acquired by Act of Parliament, or purchased subject to statutory provisions as to its treatment and control, is very important, and must be taken into account among the agencies directly affecting the housing of the metropolitan population. The character and objects of these companies vary greatly. Sometimes, as in the case of the railway companies, the erection and regulation of dwellings is only a subsidiary process unconnected with the general undertaking. In others, as for instance in the case of the Peabody Trustees, the commercial side of the undertaking is lost sight of, and the persons directing the expenditure are practically the administrators of a public trust. Intermediate between these two extremes there are various forms in which the money of individuals or companies is invested in the building of dwellings for the poorer classes.

Some of the chief points with regard to which the law

[1] See cases under the Sanitary Acts, p. 18.

regulates such enterprises, and provides for the due observance of the conditions necessary for the preservation of health, will be found under the head of Building Regulations at page 94. For the most part the influence of individuals upon large building schemes must be confined to those who occupy the position of managers, directors, or promoters.

5. The Metropolitan Board of Works.—The Metropolitan Board of Works is an administrative and to a certain extent a legislative body. The chief points upon which it can take part directly in the questions of regulating, building, and demolishing dwellings are those dealt with under the powers of the board with regard to

Sewerage.

The building and regulating of streets.

The making of improvements.

The protection of gardens and ornamental grounds.[1]

The application of Torrens' Acts (see page 51) in the metropolis.

The regulation, the dimensions, form, and mode of construction, the keeping, cleaning, and repairing of the pipes, drains, and other means of communicating with sewers and the traps and apparatus connected therewith; and for the emptying, cleansing, closing, and filling up of cesspools and privies, and for other works of cleaning and of removing and disposing of refuse.[1]

The Metropolitan Board has also another very important class of functions, which consist in superintending and rendering effective the action of the vestries. It is not necessary to inquire into the exact relations of the Board to the vestries, which extend to such matters as the formation of districts, the limitation of wards, and the approval of improvement schemes;

[1] Under the Act of 1863, 26 Vict. c. 13.

[2] The Board has power to make bye-laws for these purposes under the Act of 1855, 18 & 19 Vict. c. 120, § 202.

but their existence must be remembered, and they will be found at length in the Act of 1855 above mentioned.

But one point must be noticed; it is that under the Act of 1882 the Metropolitan Board of Works has the power to compel the vestries to put in force the provisions of the Act known as Torrens' Act (see page 51), and to insist upon the demolition of unhealthy houses under the powers therein contained.

The Metropolitan Board is composed of three representatives of the Corporation, and of representatives elected by the various vestries and district boards within the metropolis. One-third of the members of the board retire from office every year.

6. The Metropolitan Police.—The special powers of the Metropolitan Police are highly important. They consist chiefly in the right to carry out various sanitary provisions where the vestry has made default in the performance of its duty. Examples of this power, and an account of the cases in which it may be brought to bear, will be found at page 28.

7. The Local Government Board.—In addition to its general powers, the Local Government Board has two special powers which deserve particular attention. The one is that conferred upon it by the Act of 1866, 29 & 30 Vict. c. 90, § 16, enabling the Board to direct the police to remove a nuisance where there has been a failure to do so on the part of the local authority. The other special power of the Board is that mentioned at page 25, by which it is enabled to put in force in any part of the metropolis the rules for the inspection and regulation of tenement houses contained in the Public Health Act of 1866.

8. The School Board.—The action of the London School Board, though not in the first instance directed against the actual dwellings of the poor, is nevertheless so important in its bearings upon the welfare of their inmates that it is impossible wholly to pass it over.

Not only are the statutory powers of the Board exceedingly

strong, but they are capable of being put into force by any person who takes an interest in their application. On page 73 a paragraph has been devoted to the extent of the compulsory powers of the Board, and it will be seen from the illustrations there given that there is a most intimate connection between the due exercise of the authority possessed by its officers, and some of the most pressing evils which have attracted attention of late in the direction of overcrowding.

9. The Imperial Parliament.—It is not necessary to discuss the powers of Parliament, nor the exact limits of its action. Probably the most effective way in which an individual, not a member of Parliament, and not in a position directly to influence the Legislature, can intervene in the process of law-making, is by taking care that the private Bills which are usually brought in under so slight a scrutiny should contain adequate provision for the interests of persons whom it is intended to dispossess or interfere with. An example will be found at page 73 of a case in which such interference can usefully take place.

CHAPTER II.

THE SANITARY ACTS.

The Sanitary Acts are directed towards the abatement and removal of nuisances, including unhealthy houses, bad drains and defective drainage arrangements, accumulations of filth, overcrowded houses, overcrowded and unhealthy workshops, excessive smoke from factory chimneys.

The carrying out of the Acts is entrusted by law to regularly paid inspectors, employed by, and acting under, the authority of the vestries. Individuals can also in some cases set the law in motion, and the law provides for the vestries effectively carrying out the work entrusted to them.

Very stringent regulations are also contained in the Acts for the regulation of tenement houses. Important powers are given to the police to carry these provisions into effect in some cases.

The limits of legal interference, the persons entitled to intervene, and the methods by which they can proceed will be found in the following chapter.

The most useful and practical of all the Acts for the improvement and proper maintenance of dwelling-houses, are the series of statutes known as the Sanitary Acts. Of these, perhaps the most important is that of 1855.[1] It is called 'An Act to consolidate and amend the Nuisances Removal and Diseases Prevention Acts 1848 and 1849.' The object briefly is the removal of nuisances. The means by which nuisances may be removed are described

[1] 18 & 19 Vict. c. 121.

below. Before we discuss them, however, we must be perfectly clear as to what a 'nuisance' within the meaning of this and later amending Acts really is. Here is the definition.

WHAT IS A NUISANCE?

S. 8. The word 'nuisance' under this Act shall include :—

1. Any premises in such a state as to be injurious to health.

2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit, so foul as to be a nuisance or injurious to health.

3. Any accumulation or deposit which is a nuisance or injurious to health.[1]

4. Any house or part of a house so overcrowded as to be dangerous or prejudicial to the health of the inmates.

5. Any factory, workshop, or work-place, not already under the operation of any general Act for the regulation of factories or bakehouses, not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, that are a nuisance, or injurious, or dangerous to health ; or so overcrowded while work is carried on as to be dangerous or prejudicial to the health of those employed therein.

6. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used in such fireplace or furnace, and is used within the district of a nuisance authority for working engines by steam ; or in any mill, factory,

[1] With regard to No. 3 note the following proviso : 'Provided always that no such accumulation or deposit as shall be necessary for the effectual carrying on of any business or manufacture shall be punishable as a nuisance under this section, when it is proved to the satisfaction of the justices that the accumulation or deposit has not been kept longer than is necessary for the purpose of such business or manufacture, and that the best available means have been taken for protecting the public from injury to health thereby.'

dyehouse, brewery, bakehouse, or gaswork ; or in any manufactory or trade process whatsoever :

Any chimney (not being the chimney of a private dwelling house) sending forth black smoke in such quantity as to be a nuisance.

7. Any premises in which there is a want of the prescribed fittings for the supply of water where a constant supply is provided.[1]

HOW TO GET RID OF A NUISANCE.

The Sanitary Inspector.

Having satisfied ourselves as to what it is that the law regards as a nuisance, we next come to the question : What steps does the law take to get rid of a nuisance where it exists, what are the penalties by which it enforces its decisions, and who are the people whom it entrusts with the right to give effect to its provisions ?

In the first place, there is an authority appointed by law both for the purpose of discovering and reporting upon the existence of nuisances, and for the purpose of acting upon the reports when made. By section 9 of the Act of 1855[2] it is provided that it shall be the duty of the local authorities to appoint or employ a sanitary inspector, whose business it is to discover and report upon the existence of nuisances. This inspector has the right, under certain conditions, to enter premises where he believes a nuisance exists ; he may examine the premises, ascertain the course of the drains, and execute or inspect works ordered to be done under the Act.[3] He may insist upon the carrying out of an order for the removal of a nuisance, or he may himself remove it. And the law goes further than this,

[1] Nos. 4, 5, & 6 are nuisances created by section 19 of the Act of 1866 (29 & 30 Vict. c. 90). No. 7 is created by the Water Act of 1871, 34, 35 Vict. c. 113 § 33, see p 40.

[2] 18 & 19 Vict. c. 121.

[3] Section 11.

for section 12 declares that even if the nuisance be removed, whether by the person creating it, or by the inspector acting under the orders of the local authority, but that in spite of its removal there is a chance of its continuing or recurring, the local authority (*i.e.* the vestry) may provide against this emergency as well.

In order to do this, they must make a complaint to a magistrate, who will issue a summons requiring the actual defaulter, or, if he cannot be found, the owner or occupier of the premises, to appear before two justices and defend himself against the charge. If he fail to do so, an order will be made for the abatement of the nuisance if it still exists, and to take steps to prevent its recurrence if it has been removed.

If the order is not obeyed, or the person against whom it is made is slow in obeying it, he may be fined up to 10*s.* for every day during which he makes default. If the person against whom the order is made, knowingly and wilfully acts contrary to its terms, the magistrates may act more sharply, and may inflict a penalty not exceeding 20*s.* a day.[1]

The costs and expenses of the work done, and the costs of making and establishing the complaint and procuring the magistrates' order, are to be paid in the first instance by the person upon whom the order is made. And where the nuisance is caused by the act or default of the owner of the premises, the owner is liable for the costs, expenses, and penalties up to the amount of one year's rack-rent of the premises.

POWER OF AN INDIVIDUAL TO INTERFERE.

It will be observed that so far we have spoken only of the power of the authorised officials to carry into effect the provisions for the removal and abatement of nuisances. It is well known, however, that in some cases it is not enough to give

[1] Section 14.

powers to the local authorities; it is necessary to see that they use them. It is satisfactory, therefore, to find that the right to put the law in operation is specially conferred upon private individuals. Section 10 begins as follows:

'Notice of nuisance may be given to the local authority by any person aggrieved thereby;' and this privilege has now been greatly extended, for in section 13 of the amending Act of 1860 [1] the right of complaint, which was formerly confined to certain local authorities and to the person or persons aggrieved, is conferred upon '*any inhabitant* of any parish or place' in which the nuisance complained of exists; and the magistrates are bound to act upon the complaint of the individual in the manner described above. And this right has again been widened, for by section 53 of the Sanitary Laws Amendment Act, 1874,[2] it is enacted that the right of complaint given by the 13th section of the Act of 1860 just referred to shall extend to *nuisances in any parish or place*, whether on private or public premises, and may be exercised by any inhabitant in any such parish or place, or by any owner of premises situated therein, or by any other person aggrieved or injuriously affected thereby.

EXAMPLES OF NUISANCES.

Unhealthy Premises.

We have now ascertained what a nuisance within the view of the Sanitary Acts really is, and we have seen what are the ways and means by which such a nuisance can be dealt with. It now remains to inquire somewhat more closely into the several matters which come within the definitions already given (see p. 15).

'*Any premises in such a state as to be injurious to health* are a nuisance removable by law.'

[1] 23 & 24 Vict. c. 77, § 13. [2] 37, 38 Vict. c. 89.

For instance, the premises described in the following passage:—

'What goes by the name of a window is half of it stuffed with rags or covered by boards to keep out wind and rain; the rest is so begrimed and obscured that scarcely can light enter or anything be seen outside.'[1]

Or again—

'Every room in these rotten and reeking tenement houses contains a family, often two. In one cellar a sanitary inspector reports finding a father, mother, three children, and four pigs! In another room is a man ill with small-pox, his wife just recovering from her eighth confinement, and the children running about half naked and covered with dirt. Here are seven people living in one underground kitchen, and a little dead child lying in the same room. Elsewhere is a poor widow, her three children, and a child who had been dead thirteen days.'

Filthy Drains.

Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit, so full as to be a nuisance or injurious to health.

For instance—

'The sanitary condition of the place is indescribable. A large dust-bin charged with all manner of filth and putrid matter stands at one end of the court, and four water-closets at the other.

'To get into them you have to penetrate courts reeking with poisonous and malodorous gases arising from accumulations of sewage and refuse scattered in all directions and often flowing beneath your feet; courts, many of them which the sun never penetrates, which are never visited by a breath of fresh air, and which rarely know the virtues of a drop of cleansing water.

[1] This and the subsequent illustrations are extracted from a recent pamphlet entitled *The Bitter Cry of Outcast London.*

Accumulations.

Any accumulation or deposit, which is a nuisance or injurious to health.

This class of nuisance, it must be remembered, does not include unavoidable accumulations arising in the course of manufacture (see note on p. 15), but there are many cases which frequently occur, and which plainly come within its terms. Here is one of them—

'Walls and ceiling are black with the accretions of filth which have gathered upon them through long years of neglect. It is exuding through cracks in the boards overhead; it is running down the walls; it is everywhere.'

Or again—

'You have to ascend rotten staircases, which threaten to give way beneath every step, and which, in some places, have already broken down, leaving gaps that imperil the limbs and lives of the unwary. You have to grope your way along dark and filthy passages swarming with vermin.'

Overcrowding.

Any house or part of a house so overcrowded as to be dangerous or prejudicial to the health of the inmates.

This is a most important provision, though, hitherto, it can scarcely be said to have been put in force at all. It is not the only way in which the law deals directly with the evil of overcrowding, for in the preamble of the Artisans' and Labourers' Dwellings Acts, 1875,[1] we find the following declaration: 'Whereas portions of many cities and boroughs are so built, *and the buildings therein are so densely inhabited*, as to be highly injurious to the moral and physical welfare of the inhabitants, be it enacted,' &c. But although there are, therefore, other ways of dealing with over-

[1] 38 & 39 Vict. c. 36.

crowding than that afforded by the Sanitary Acts, the method here referred to should be most carefully noted. It is most important, both as regards the diminution of the evil itself and in view of the question of compensation to be mentioned hereafter, to clearly grasp the fact that OVERCROWDING is in itself a 'nuisance.'

As to what overcrowding is, it may be said to begin where a tenement is occupied by more than one family.[1] Examples are familiar to all. Here, however, is a case of a deliberate infringement of the law, which has been allowed to continue in defiance of the statute in that identical case made and provided, and under the noses of the whole body of officers and visitors, official and unofficial, appointed to prevent it.

'In the sleeping room are long rows of beds on each side, sometimes 60 to 80 in one room. In many cases both sexes are allowed to herd together without any attempt to preserve the commonest decency. But there is a lower depth still. Hundreds cannot even scrape together the twopence required to secure them the privilege of resting in these sweltering common sleeping rooms, and so they huddle together upon the stairs and landings, where it is no uncommon thing to find six or eight in the early morning.'

Or again—

'Turning out of one of these streets you enter a narrow passage, about ten yards long and three feet wide. This leads into a court eighteen yards long and nine yards wide. Here are twelve houses of three rooms each, and containing altogether thirty-six families.'

Unhealthy Work-places.

Any factory, workshop, or work-place, not already under the operation of any general Act for the regulation of factories or bakehouses, not kept in a cleanly state, or not ventilated in

[1] 14 & 15 Vict. c. 34, § 29.

such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, that are a nuisance or dangerous to health; or so overcrowded as to be dangerous or prejudicial to the health of those employed therein.

This, although a most important provision in itself, scarcely comes within the scope of our inquiry, which relates to the homes of the workers, and not to the places where they work. But the evil guarded against is one of frequent occurrence, and has been the subject of complaint in practice.

Smoke.

6. *Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used in such fireplace or furnace, and is used within the district of a nuisance authority for working engines by steam or in any mill, factory, dyehouse, brewery, bakehouse, or gas-work, or in any manufactory or trade process whatsoever. Any chimney (not being the chimney of a private dwelling house) sending forth black smoke in such quantity as to be a nuisance.*

This provision, though important in its way, bears only indirectly upon the question of how to do away with unsanitary dwellings. It is therefore scarcely necessary to supply illustrations of its working. It is referred to because it proves one of the 'nuisances' defined as such by the Acts we are discussing.

7. *Any premises in which there is a want of the prescribed fittings for the supply of water where a constant supply is provided.*

It is frequently found that the arrangements for bringing water into dwelling-houses are incomplete or deficient although the Water Companies have done their duty by supplying pure water in the neighbouring main. In such a case the power of

compelling the owner to do the duty imposed by the Water Act above referred to may be most useful. It must be noted that dwellings which are deficient as to the water arrangements are in so many words declared to be unfit for human habitation and must be closed accordingly.[1]

REGULATION OF TENEMENT HOUSES.

But we have not exhausted the list of preventive and remedial provisions contained in the Sanitary Acts. Hitherto we have dealt with what may be called the aggressive part of the law, that which is concerned with the removal of nuisances which actually exist, and the punishment of those who are responsible for their existence. We now come to another and not less important part, which may be called the regulating portion of the law. It is directed towards maintaining existing dwellings in a proper condition, and preventing the growth of nuisances. In section 35 of the Act of 1866 [2] it is provided as follows:

'One of the principal Secretaries of State may, on the application of the local authority of the Metropolis, by notice in the *Gazette*, declare the following enactment in force,' and thereupon the local authority is empowered to make regulations:—

1. For fixing the number of persons who may occupy a house or part of a house which is let in lodgings, or occupied by members of more than one family. (These are tenement houses.)

2. For the registration of houses thus let or occupied in lodgings.

3. For their inspection, and the keeping the same in a cleanly and wholesome state.

4. For enforcing therein the provision of privy accommodation, and other appliances and means of cleanliness in proportion

[1] See p. 40.

[2] 29 & 30 Vict. c. 90.

to the number of lodgers and occupiers, and the cleaning and ventilation of the common passages and staircases.

5. For the cleaning and lime-whiting at stated times of such premises.

6. For the ventilation of rooms, paving, and draining of premises, the separation of the sexes, and for the giving of notices and taking precautions in case of any dangerously infectious or contagious disease.[1]

A penalty not exceeding 40*s.* may be imposed by the nuisance authority for the infringement of these rules, and 20*s.* per day as long as the default continues.

Where there have been two convictions for overcrowding obtained within three months in respect of the same premises, the nuisance authority may apply to the magistrates for power to close for as long as they deem necessary, or to close them permanently at their own cost.[2]

HOW THE ACT MAY BE MADE EFFECTIVE.

Now these rules, it must be noted, are contained in the Act of 1866, and are there made applicable by the Home Secretary.

Since then, however, the Act of 1874 has been passed, by which two important alterations are made.

In the first place, by section 19 the power already given to the police, of insisting on the removal of nuisances,[3] is confirmed, and this valuable addition is made to it. The police officer, acting under the direction of the Local Government Board, may act in place of the sanitary authority, where the latter neglects to do its duty, and where he does so 'he shall be entitled to recover from the authority in default, all such expenses in and about such proceeding as he may incur, and as shall not be paid by the party proceeded against.' This is a most useful addi-

[1] See section 47 of Act of 1874, 37 & 38 Vict. c. 89. [2] Section 36.

[3] See Section 16 of the Act of 1866.

tion to the methods by which its responsibility may be brought home to the vestry.

But the second addition made by the Act of 1874 is even more important than that just mentioned. The power to apply the rules contained in the Act of 1866 is transferred from the Home Office to the Local Government Board, and by section 47 it is provided that:

'The Local Government Board may, at its discretion, by notice in the *Gazette*, declare the enactment in section 35 of the Act of 1866 to be in force in any part of the metropolis, notwithstanding the restrictions in that section, and the local authority may then make regulations as in that section mentioned when confirmed by the Local Government Board.'

That is to say, the Local Government may give to every vestry in London the power to make rules for the purposes above mentioned.

THE LOCAL GOVERNMENT BOARD HAS MADE USE OF ITS POWER, AND HAS DECLARED SECTION 35 OF THE ACT OF 1866 TO BE IN FORCE THROUGHOUT THE WHOLE METROPOLIS.

The vestries, therefore, have the power to make what rule they please for the proper carrying out of sanitary requirements, with regard to all tenement houses,[1] in the following matters:—

Overcrowding.
Registration.
Cleanliness and ventilation.
Whitewashing.
The separation of the sexes.

A considerable number of the vestries have already taken action under the powers they possess; and it is most important to remember that what they have failed to do they may, by proper representation or adequate pressure, be made to do.

[1] Except common lodging houses within the provisions of the Common Lodging Houses Act 1851, or any Act amending the same. Section 35, see p. 23.

CONTAGIOUS DISEASE.

One of the most serious results arising from overcrowding is that of spreading infectious diseases. The well-known reluctance of a large class of persons to take any steps towards isolating patients is the cause of many deaths and much needless suffering. It is satisfactory to find that the law is specially charged with the performance of the sanitary offices which those most concerned so often neglect, to the great peril of their neighbours.

The Public Health Act of 1866 contains a most important provision. Section 22 runs as follows:—

PREVENTION OF THE SPREAD OF INFECTION.

'If the Nuisance Authority (i.e. the Vestry or District Board) shall be of opinion, upon the certificate of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, *would tend to prevent or check Infectious or Contagious Disease; it shall be the duty of the Nuisance Authority* to give notice in writing to the owner or occupier of such house or part thereof to cleanse and disinfect the same, as the case may require; and if the person to whom notice is so given fail to comply therewith within the time specified in the notice, he shall be liable to a *penalty* of not less than one shilling and not exceeding ten shillings for every day during which he continues to make default.' And the section concludes with giving power to do the work itself, and charge the cost on the owner or occupier; and, finally, and this provision is important, the Authority is empowered, in case of the owner or occupier being too poor to do the work, to do it at their own cost.[1]

[1] 29 & 30 Vict. c. 90, § 22.

Thus it will be seen that there is no excuse for the continuance of cases of infection unattended. The law provides an officer to find out where such cases exist; it provides machinery to deal with the cases when they are discovered, and it supplies a special organisation whereby the machinery may be put in motion.

Consequently, if cases such as that given below, and which beyond doubt is a type of a large class, can be found, it is an obvious indication that the officers of the law do not do their duty. Here is the example referred to :—

A visitor writes: 'In another room was a man ill with small-pox—his wife just recovering from her eighth confinement.' The existence of small-pox in such a case ought to have been known, ought to have been reported upon, ought to have been dealt with.

PENALTIES ON SPREADING INFECTION.

Section 38 of the Act last mentioned[1] contains the following provision against the deliberate spreading of infectious diseases. 'Any person suffering from any dangerous infectious disorder who wilfully exposes himself without proper precaution against spreading the said disorder, in any street, public place, or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or driver of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has with the knowledge of such owner or driver conveyed any such sufferer, and any person who without previous disinfection gives, lends, sells, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorders, shall on conviction of such offence before any justice be liable to a penalty not exceeding 5*l*.

[1] 29, 30 Vict. c. 90.

LETTING INFECTED LODGINGS.

Section 39 imposes a penalty not exceeding 20*l.* on any person who knowingly lets any house in which any person suffering from any dangerous infectious disorder has been, to any other person, without having such a house, room, or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a qualified medical officer as testified by a certificate given by him.

COMMON LODGING-HOUSES.

One other statute comprised in the series known as the Sanitary Acts must be referred to. It is the 'Common Lodging-Houses Act' of 1851.[1] Its object is to provide for the well ordering of Common Lodging-Houses; that is to say, houses where beds are let by the night. All such lodging-houses must be registered; and regulations may be made under the Act as to the number of lodgers to be admitted, the cleansing and inspection of the lodgings, the whitewashing of the internal walls, and the separation of sexes among the occupants.

The special feature of the Act is the power which it gives to the Metropolitan Police of enforcing its provisions.

Lodgings registered under this Act are specially excepted from the 35th Section of the Act of 1866.[2]

[1] 14 & 15 Vict. c. 28.

[2] See p. 23.

CHAPTER III.

THE METROPOLITAN LOCAL MANAGEMENT ACTS.

The Acts known as the Metropolitan Local Management Acts form the existing code for the regulation of such questions as drainage and building in the metropolis.

The principal Act is that of 18 & 19 Vict. c. 120 and the Amending Act of 1862, 25 & 26 Vict. c. 102. Several amending and supplementary Acts have been passed since, to which reference is made in the text. It is not intended to enter at length into the rules as to the building of houses, the quality of materials used, and the thickness and dimensions of walls, &c. These points, important in themselves, do not come directly within the scope of this Manual. Those who desire to acquaint themselves with the law upon the subject should refer to the Acts and to the Byelaws of the Metropolitan Board of Works printed at p. 94, and also the Metropolitan Building Acts of 1855,[1] and Metropolitan Management Act, 1882.[2] There are, however, other provisions in the Metropolis Local Management Acts which have a direct bearing upon the matter in hand. It will be best to deal with them under separate heads, remembering that, as usual with our law, no single rule as it stands is complete, and that there are other regulations supplementing those given in this chapter which will be found under the heading of the Nuisance Acts, the Sanitary Acts, and so on.

For instance, a reference to the chapter on the Sanitary

[1] 18 & 19 Vict. c. 122. [2] 45 Vict. c. 14.

Acts will show that there are other ways of dealing with defective drainage than those laid down in the Metropolitan Local Management Act. With this caution against a belief that where no remedy exists in any statute we are about to deal with, it necessarily follows that no remedy exists at all, we may proceed to note the material portions of the original and amending Acts for the Management of London.

CELLARS AND UNDERGROUND DWELLINGS.

It is well known that the existence of underground dwellings is sometimes a serious aggravation of the evils of overcrowding and unhealthy lodging. Such dwellings are now uncommon in London, and their rarity is probably owing to the standing provisions of the Acts of 1855[1] and 1862.[2] Section 103 of the former runs as follows:—

'No room of a house the surface of the floor of which room is more than three feet below the surface of the footway of the adjoining street, nor any cellar, shall be let or occupied unless it possesses the following requisites; that is to say,

'Unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof;

'Unless the same be at least one foot of its height above the surface of the footway of the street adjoining or nearest to the same;

'Unless there be outside of and adjoining the same room or cellar, and extending along the entire frontage thereof and upwards, from six inches below the level of the floor thereof up to the surface of the said footway, an open area at least three feet wide in every part;

'Unless the same be effectually drained and secured against the rise of effluvia from any sewer or drain;

'Unless there be appurtenant to such room or cellar the use

[1] 18 & 19 Vict. c. 120. [2] 25, 26 Vict. § 62.

of a water-closet or privy, and an ashpit furnished with proper doors and coverings, kept and provided according to the provisions of this Act;

'Unless the same have a fireplace with a proper chimney or flue;

'Unless the same have an external glazed window of at least nine superficial feet in area clear of the frame, and made to open in such manner as is approved by the surveyor of the Metropolitan Board of Works.

'Any person who lets, occupies, or knowingly suffers to be occupied, any room or cellar contrary to the Act is liable to a penalty not exceeding 20*s.* for every day during which he offends.

'Every room or cellar in which any person passes the night is deemed to be occupied within the meaning of the Act.'

It is the business of the district surveyor to report to the local authority as to the existence of any such occupied cellars.[1]

DRAINS—ASHPITS[2]—CLOSETS.

No house or other building may be built or rebuilt unless a properly constructed and connected drain with adequate branches and water apparatus be provided to the satisfaction of the surveyor to the vestry.[3]

If any houses are built or rebuilt without a sufficient water-closet or privy and ashpit furnished with proper doors and coverings, and also furnished as regards the water-closet with suitable water-supply and water-supply apparatus, and with suitable trapped soil-pan, and other suitable works and arrangements so far as may be necessary to secure the efficient operation thereof, the person building or rebuilding such house is liable to a penalty of 20*l.*

[1] 25, 26 Vict. § 62.

[2] Ashpit includes dustbin.

[3] Act of 1855, section 75.

And in the case of a house already built being without the conveniences named above, the local authority must on proof of the fact, and on its being shown that the additions can be provided without disturbing any building, insist upon the owner or occupier furnishing such conveniences, and in default may furnish them themselves and charge the cost upon the owner.

Inspectors are appointed by the local authority, whose duty it is to inquire into the state of drains, closets, cesspools, &c. They may enter premises for the purpose of making an inspection at any reasonable time during the day, after having given twenty-four hours' notice; and they may insist upon proper accommodation being provided.[1]

In some cases it is found that the defects in the drainage of a house may be traced to want of a proper connection between the internal drains and the sewer.

Such a case is provided for by the Sanitary Act of 1866,[2] which in section 10 provides that where 'a dwelling-house is without a drain, or without such drain as is sufficient for effectual drainage, the sewer authority (i.e. the vestry or district board) may by notice require the owner of such house within a reasonable time therein specified, to make a sufficient drain, emptying into any sewer which the sewer authority is entitled to use, and with which the owner is entitled to make a connection; so that such sewer be not more than one hundred feet from the site of the house of such owner,' &c.

If the person on whom the notice is served fails to obey its terms, the authority may do the work and recover the amount from the defaulter by summary process.

SCAVENGING AND REMOVAL OF DIRT, &c.

It is the duty of the local authority to appoint 'scavengers' for the removal of filth, dirt, rubbish, &c.

[1] Act of 1855, section 82. [2] 29 & 30 Vict. c. 90.

The words of the Statute regulating this duty are as follows:

'It shall be lawful for every vestry and district board, and they are hereby required to appoint and employ a sufficient number of persons, or to contract with any company or persons for the sweeping and cleaning of the several streets, and perform all such works and duties as they respectively are employed or contract to execute or perform; and if any such company or persons fail in any respect properly to execute and perform such works and duties, such company or person shall for every such offence forfeit a sum not exceeding *5l.*'[1]

This section is pretty clear as to what the duty of the local authority is; it is also clear as to how the local authority may make their own servants do their work. But in one respect the section is lamentably deficient. It does not give to the public, or rather to individual members of the public, any right to compel the local authority to do its duty.

As far as the Act in question is concerned, persons who are aggrieved by the failure of the scavengers to empty a dustbin or to remove an accumulation of filth have no practical remedy. The sufferers must simply fold their hands and wait till the vestry is pleased to do its duty. This is a case in which it would be a great advantage if the law were to confer upon occupiers a short and effectual method of compelling the local authority to perform the work for which it is appointed.

CONSTRUCTION OF BUILDINGS.

It is not intended in this manual to inquire at length into the various provisions of the Metropolitan Building Acts and Regulation Acts with regard to the structure of buildings erected. On one or two points, however, the laws referred to touch upon existing abuses which are well known to be prejudicial to health, and which frequently present themselves to

[1] 41 & 42 Vict. c. 32.

the notice of those who study the condition of dwellings of the poorer class.

Narrow streets are well known to be often detrimental to health.

In the Metropolitan Management Act, 1878,[1] it is enacted that no external wall shall, without the express consent of the Metropolitan Board of Works, be erected at less than twenty feet from the centre of the roadway, giving a minimum width, therefore, of forty feet for any new street.[2]

AREA IN REAR OF DWELLINGS.

It is also often found that the space behind dwelling-houses is most inadequate and unsatisfactory from the sanitary point of view.

The law on this head has been recently amended, and now stands on a much better footing than it did.

The 14th section of the Metropolitan Management Act of 1882 contains the following provisions:—

'Every new building begun to be erected upon a site not previously occupied in whole or in part by a building, after the passing of this Act, intended to be used wholly or in part as a dwelling-house, shall, unless the Board otherwise permit, have directly attached thereto, and in the rear thereof, an open space exclusively belonging thereto of the following extent:—

'Where such building has a frontage not exceeding 15 feet, the extent of the open space shall be 150 square feet at the least.

'Where such building has a frontage exceeding 15 feet, but not exceeding 20 feet, the extent of the open space shall be 200 square feet at the least.

'Where such building has a frontage exceeding 20 feet

[1] 18, 19 Vict. c. 120, §. 125. [2] Section 6.

and not exceeding 30 feet, the extent of the open space shall be 300 square feet at the least; and—

'Where such building has a frontage exceeding 30 feet, the extent of the open space shall be 450 square feet at the least.

'Every such open space shall be free from any erection thereon above the level of the ceiling of the ground-floor story, and shall extend throughout the entire width, exclusive of party or external walls, of such building at the rear thereof.

'The provisions of this enactment shall be in addition to and shall form part of the rules of the Metropolitan Building Act 1855, and the said Act shall be construed accordingly.'[1]

[1] 45 Vict. c. 14, s. 14.

CHAPTER IV.

WATER-SUPPLY.

The Act which now regulates the supply of water for domestic purposes in the Metropolis is the 34 & 35 Vict. c. 113, 1871. It repeals previous Acts, and constitutes the Corporation of the City of London and the Metropolitan Board of Works—the 'Metropolitan Authorities' for the purposes of the Act.

The statute is known as the 'Metropolis Water Act, 1871.'

GENERAL PURPOSE OF THE ACT.

The general purpose of the Act is to ensure the constant supply of pure water for domestic use at a proper pressure in all houses fitted with suitable fittings. Power is given to localities to demand a supply. On the part of the Water Companies, a right is given to recover penalties from persons making undue or improper use of the water supplied, or neglecting to comply with the authorized rules laid down by the Company with regard to payment, &c.

The 'Metropolitan Authority' has the right to insist upon the Companies doing their duty. And, lastly, the consumers have a right to recover penalties from the Companies in case the latter neglect or refuse to fulfil their legal obligations.

SUMMARY OF THE ACT.

The following is a summary of the main provisions of the Act:—

A constant supply of pure and wholesome water, laid on at sufficient pressure to reach the top story of the houses served, may be obtained in three ways—

1. A Company may, without application, propose to give a constant supply.[1]

2 The 'Metropolitan Authority' may, when it thinks a district requires a constant supply, call upon the Company to afford such supply.[1]

3. The Local Government Board may, on complaint made, require the Companies to give a constant supply. If, on inquiry, they are of opinion that—

(*a*) The 'Metropolitan Authority' refuse to make, or unreasonably delays making, application for such constant supply.

(*b*) That by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is, or is likely to be, prejudicially affected.

PROVISION OF PROPER FITTINGS.

But the Water Companies are not, in any case, bound to set to work, if they can show that within two months after they have received the requisition for a constant supply, one-fifth of the premises in the district which it is intended to serve are not provided with the prescribed fittings.[2]

It therefore becomes essential that such fittings should be provided, and the 'Metropolitan Authority' may see that the benefits of the Act are not lost on this account.

The 'Authority' is empowered to give notice to the *owner* or *occupier* of any premises where the fittings are wanting or incomplete, and to call upon him to supply or to repair them.

[1] Section 8. [2] Section 10.

If the owner or occupier fails to do this, the 'Metropolitan Authority' may do the work itself, and recover the cost from the 'person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or on the owner of the premises.'[1]

If the expenses are recovered from the owner, the amount owing to the owner by the occupier, in the shape of rent for the premises, may be deducted from the sum the owner is called on to pay, and the occupier may be made to pay it towards the expenses of the 'Authority,' instead of paying it as rent to the owner.[2]

SUPPLY IN COURTS, PASSAGES, &c.

One point, with regard to a constant supply, must not be overlooked. Section 14 expressly provides for cases 'where a group of dwelling-houses are situate in a court or passage, or otherwise in contiguity or close neighbourhood one to another.' With regard to courts of this description, it is specially provided that—

'If it appears to the Local Government Board, on the report of the Nuisance Authority (see p. 16), that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a *stand-pipe* or other apparatus placed outside the dwelling-houses, the Local Government Board may from time to time make an order to the effect that such group or number of dwelling-houses *may be so supplied*, and shall serve the same on the Company within whose water limits the dwelling-houses are situate.'

PENALTY ON COMPANY.

Companies which violate, refuse, or neglect to comply with the requirements of the Act, as to the provision and mainte-

[1] Section 10. [2] Section 10.

nance of a constant supply, are liable to a penalty not exceeding 200*l.*, and a further penalty not exceeding 100*l.* for every month during which such violation, refusal, or neglect to comply continues after they have received notice in writing from the Local Government Board to discontinue the same.[1]

REMEDY OF THE COMPANIES AGAINST CONSUMERS.

On the other hand, the Companies have special remedies against consumers who make an improper use of the facilities afforded them, or who refuse to pay for the water supply.

For this purpose, the Companies are empowered to make regulations for the purpose of preventing the waste or misuse of water, for the construction of earth-pipes, taps, cisterns, &c., and the manner of using them.[2]

These regulations must be approved by the Local Government Board, and must be duly published and shown to any person interested. Penalties not exceeding 5*l.* are imposed by these regulations, and the amount is recoverable summarily before a police magistrate.[3]

And the Companies have a further and very effectual means of bringing offenders to book, for in section 32 they are empowered to cut off the water from the premises of any consumer who 'does, or causes, or permits to be done, anything in contravention of any provisions of the Act, or wrongfully fails to do anything which under any of these provisions ought to be done for prevention of the waste, misuse, undue consumption, or contamination of the water of such Company.' And they may refuse to supply the offender with water as long as the offence continues.

Only if the Company do cut off the water, they are bound within twenty-four hours to give notice to the Nuisance Autho-

[1] Section 16.

[2] Section 26 of Act of 1852, 15 & 16 Vict. c. 84.

[3] Sections 20 and 45.

rity (i.e. *the Vestry or District Board*), as defined by the Sanitary Act, that they have done so.[1]

Where a Company is about to provide a constant supply for any district, they may give notice to the owners and occupiers of premises within the district of their intention, and may call upon them to provide proper fittings. And in default of the owner or occupier doing the work, they may do it themselves and charge the owner or occupier, or the person liable to pay the water-rate, in the same manner as that described above, in the case of the 'Metropolitan Authority' (see p. 38).[2]

The officers of the Company may at any reasonable time enter any premises within the district for the purpose of discovering whether the fittings are sufficient and in proper order.[3]

All disputes as to whether the fittings are, or are not, sufficient are to be settled summarily by a magistrate whose decision is final.[4]

WANT OF PROPER FITTINGS A 'NUISANCE.'

And it must be specially noted that 'the absence in respect of any premises of the prescribed fittings after the prescribed time (i.e. the time limited in the Company's notice) *shall be a nuisance* within section 11 and sections 12–19 (inclusive) of the Nuisances Removal Act for England 1855,[5] and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises *unfit for human habitation* within section 13 of the Nuisances Removal Act for England 1855,[5] unless and until the contrary is shown to the satisfaction of the justices acting under that section.'[6]

Bearing in mind this section, let the reader refer back to the chapter in the Sanitary Acts, and it will at once be seen

[1] Section 32. [2] Section 29. [3] Section 30. [4] Section 31.
[5] 18 & 19 Vict. c. 121. See p. 15. [6] Section 33.

that an opening is given for private individuals to take steps to enforce the provisions of the Water Act, even though they themselves be not actual sufferers from the neglect or default of others.[1]

POWER OF PARISH TO SUPPLY WATER.

In section 27 of the Water Act of 1852[2] a power is given to the Parish authorities which, as far as London is concerned at any rate, has not as yet been made use of.

Shortly stated, the effect of the section is to give power to the Churchwardens and Overseers of the poor in any parish to apply to the Vestry for leave to furnish a supply of water to improperly supplied houses where such a supply can be given at a rate not exceeding threepence per week, and the owner of the house or houses may be compelled to receive the supply and to pay the cost, not exceeding threepence per week, to the Water Companies.

[1] See p. 17. [2] 15 & 16 Vict. c. 84.

PART II.

CHAPTER V.

PULLING DOWN AND REBUILDING.

The previous chapter was devoted to the different ways in which the healthiness of existing dwellings can be ensured, by removing nuisances, and preventing their occurrence. It is well known, however, that there are many cases in which no patching or altering of existing premises is of any use, and where the only hope of doing permanent good lies in destroying altogether the buildings which give cause for complaint. There are several methods by which this work of destruction may be carried out with the help of the law; but before going into them in detail, it will be well to say a word or two upon the general question of pulling down, and the consequences which it involves. It will then be seen that pulling down always involves building up, and that it is of no use to set to work upon the one until we have made up our minds about the other. Parliament has seen this so clearly, that in every law which it has passed for many years allowing the destruction of inhabited houses, it has tried to make some provision for the rehousing of the people who have been dispossessed by its authority. It is, therefore, quite impossible to deal with the laws concerning the destruction of unhealthy dwellings without referring to the question of rehousing, to which they always refer. Under this head particular attention must be paid to the fact, that some of

the most important provisions for the accommodation of persons dispossessed from their homes are quite new,[1] and have not yet had a trial; the comparative failure of the earlier statutes to do much good in this direction does not prove that the law as it stands is of no value. On the contrary, inasmuch as the recent changes have been made with full knowledge of the want of success in the past, there is good reason to hope that the present arrangements may stand the test of actual working.

COMPENSATION.

One other important question arises directly out of the destruction of existing dwellings. It is that of compensation. A slight knowledge of the law on this subject is most essential to persons anxious to aid the carrying out schemes of demolition. In the first place, a great amount of good work has been stopped or seriously interfered with in the past, owing to the necessity for compensating owners of unhealthy areas on too liberal a scale. In the second place, there must always be considerable reluctance to undertake a work of this kind on a large scale, as long as no fair estimate can be made of its probable cost. The law as to compensation has also been greatly improved during the last few years,[2] and there is every reason to believe that the alterations will greatly favour the extension of what are called improvement schemes.

SUMMARY OF ACTS.

The following is a short summary of the principal Acts of Parliament dealing with the demolition of unhealthy houses and the construction of improved dwellings:—

1. Act of 1851.[3] To encourage the establishment of lodging-houses for the labouring classes, commonly called Lord Shaftesbury's Act.

[1] See p. 59. [2] See p. 60. [3] 14 & 15 Vict. c. 34.

2. Torrens' Act of 1868,[1] with the amending Acts of 1879 [2] and 1882.[3] Providing for the improvement or demolition of workmen's dwellings, and the building and maintenance of better buildings in place of them.

3. The Artisans' and Labourers' Dwellings Act of 1875,[4] and the amending Acts of 1879 [5] and 1882.[6] Providing for the clearing of unhealthy sites on a large scale, and the erection thereon of artisans' dwellings.

4. The *Metropolitan Street Improvement Acts.* These Acts, though not primarily concerned with the improvement of unhealthy dwellings, contain some valuable provisions bearing upon the subject.

In addition to the public general Acts, referred to under the four preceding heads, there is another class of Acts, which, although they are intended to secure a wholly different object, are still worthy of careful attention, on account of the provisions which Parliament has compelled their authors to insert in them for the purpose of protecting persons turned out of their homes.

These are the various

5. Railway and other private Acts containing powers to take and demolish existing dwellings for the purposes of a commercial undertaking.

These Acts are of a special character, and will therefore be dealt with in a separate chapter,[7] though their existence must not be forgotten in connection with the question of demolition and reconstruction.

LORD SHAFTESBURY'S ACT.

Act of 1851.[8] *Labouring Classes' Lodging Houses Act,* 1851.

This Act was introduced by Lord Shaftesbury more than thirty years ago. It contains some very useful provisions, but

[1] 31 & 32 Vict. c. 130. [2] 42 & 43 Vict. c. 64. [3] 45 & 46 Vict. c. 54.
[4] 38 & 39 Vict. c. 36. [5] 42 & 43 Vict. c. 63. [6] 45 & 46 Vict. c. 54.
[7] See p. 70. [8] 14 & 15 Vict. c. 34.

for some reason or other has been allowed to become a dead letter as far as London is concerned. Its main provisions are as follows:—

Ten ratepayers in a parish may sign a requisition to the churchwardens, or other persons whose duty it is to convene vestry meetings, to call a special meeting to decide whether the Act shall be adopted in the parish. If two-thirds of the vestry decided to adopt the Act, they may send a resolution to that effect to the Local Government Board for approval.[1] The vestry, if the plan be approved, then appoint from three to seven ratepayers as commissioners to carry out the powers given by the Act,[2] which are as follows:—

The commissioners, with the sanction of the vestry and the approval of the Treasury, may borrow money on mortgage of the rates,[3] and may apply it to the erection of buildings suitable for lodging houses for the labouring classes, and may from time to time alter, enlarge, repair, and improve such lodging-houses, and supply them with all requisite furniture, fittings and conveniences.[4]

As to the land on which these lodgings are to be built, it may be obtained in two ways: 1. The commissioners, with the consent of the vestry and the approval of the Treasury, may appropriate to the purpose any lands vested in the parish; or, 2, they may purchase or rent land specially for the purpose.[5]

A further and important power is given to the commissioners under the same conditions to purchase or lease existing lodging houses, and to undertake their management. As to the question of management,[6] it is according to bye-laws which the commissioners may make and enforce.[7] The rent to be charged for lodgings comes under this head.[8]

And lastly, suppose the vestry find they have made a mistake, and that the Act cannot be worked with benefit to the

[1] Section 14. [2] Section 15. [3] Section 21. [4] Section 36.
[5] Section 35. [6] Section 38. [7] Section 46. [8] Section 48.

ratepayers, they may, with the approval of the Treasury, sell the lodging houses and put an end to the experiment.[1]

It will be seen that this Act gives a great opening to individuals who are anxious to improve the housing of the metropolitan population.

In the first place, any ten ratepayers may bring the matter before the vestry, and may urge the adoption of the Act. In the second place, it is not necessary to be a vestryman, but only a ratepayer, to be qualified for appointment as one of the commissioners entrusted with the duty of applying the Act where it has been adopted.

TORRENS' ACTS.

Torrens' Acts, 1868,[2] 1879,[3] *and* 1882.[4]

The object of these Acts is clearly stated in the 14th section of the Statute of 1879, which declares the purpose of the Act to be :—

1. 'The providing, by the construction of new buildings, or the repairing of existing buildings, the working classes with suitable dwellings, situate within the jurisdiction of the local authority.'

2. 'The opening out of closed or partially closed alleys or courts inhabited by the labouring classes, and the widening of the same by pulling down any building, or otherwise leaving such open spaces as may be necessary to make such alleys or courts healthful.'

DISTINCTION BETWEEN TORRENS' ACTS AND THE ARTISANS' DWELLINGS ACTS.

It is necessary to distinguish carefully between the Acts which we are now discussing, namely, the series known as Torrens' Acts, and the somewhat similar set of provisions known

[1] Section 43. [2] 31, 32 Vict. c. 130. [3] 42 & 43 Vict. c. 64. [4] 45, 46 Vict. c. 54.

as the 'Artisans' Dwellings Acts.' It is the more necessary to be careful on this head because, as usual, the Statute-book endeavours to create as much confusion between the two as possible.

Torrens' Acts are officially known as the 'Artisans and Labourers' Dwellings Act 1868,' the 'Artisans' and Labourers' Dwellings Acts 1868 Amendment Act 1879,' and the 'Artisans' Dwellings Act 1882, part 2.' The whole series are described collectively as the 'Artisans' Dwellings Acts 1868 to 1882.' The second series of Acts, commonly spoken of as the 'Artisans' Dwellings Acts,' are officially described as 'The Artisans' and Labourers' Dwellings Improvement Act 1875' and '1879' respectively, and 'The Artisans' Dwellings Act 1882, part 1.' The whole set are termed 'The Artisans' and Labourers' Dwellings Improvement Acts 1875 to 1882.'

This lucid classification must be borne in mind by all enquirers into the law, for the scope and objects of the two sets of statutes are different, and must be accomplished by different means. Shortly speaking, Torrens' Acts deal with the clearance of unhealthy areas on a small scale; the 'Artisans' Dwellings Acts' are intended to further large schemes of reconstruction.

PROVISIONS OF TORRENS' ACTS.

But to return to Torrens' Acts. The main provisions of the amended Acts, as they now stand, are as follows:—The Acts apply to the whole of the metropolis within the jurisdiction of the Metropolitan Board of Works, but do not extend to the City and its Liberties.[1] They are to be put in motion by the officer of health in a district. It is the duty of this officer, wherever he finds 'premises in a condition or state dangerous to health, so as to be unfit for human habitation,' to report to the Local Authority (*i.e.* the Vestry, District Board or Local Board of

[1] Section 3.

Health).[1] It then becomes the duty of the local authority to refer the report to their surveyor or engineer, whose business it is to inform them as to 'what is the cause of the evil reported on,' whether it is occasioned by defects in any premises, whether the same can be remedied by structural alterations and improvements or otherwise; or whether such premises or any, and what part thereof, ought to be demolished.'[2]

OBSTRUCTIVE BUILDINGS.

This, it will be seen, relates only to buildings which are themselves in a bad condition, or directly injurious to health; but the Act of 1882 gives a most important extension to the right of interference, for it includes what are called 'Obstructive Buildings' within the meaning of the Act. Section 8 runs as follows:—'If in any place to which the Artisans' and Labourers' Dwellings Act 1868 applies, the officer of health finds that any building, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say:—(1) It stops ventilation, or otherwise makes, or conduces to make, such other buildings to be in a condition unfit for human habitation; or (2) It prevents proper measures from being carried into effect for remedying the evils complained of in respect of such other buildings, in any such case the officer of health shall make a report to the local authority,' &c., and then comes the operative part of the Act with which we must now deal.

METHOD OF PROCEDURE UNDER THE ACTS.

For this purpose we must go back to the powers given in the original Act with regard to unhealthy premises which have

[1] Section 5. [2] Section 6.

been reported upon by the health officer. As soon as the report has been received and confirmed, as explained above, notice must be given to the owner, who may object to any alteration, and may appeal against the decision of the local authority in the manner laid down in the Act.[1] Supposing, however, the case for alteration or demolition is made out, the local authority will then cause a plan to be made out with specifications showing the work required to be done, and will call upon the owner to do it.

At this stage three things may happen :—(1) The owner may do the work as required, and he will then be entitled to claim compensation as explained hereafter.[2] The work must be begun within two months after the order.[3] (2) The owner may, instead of doing the work, give notice at any time within three months that he desires the local authority to purchase the premises,[4] and, in such case, the local authority is bound to do so, the price paid to be settled by arbitration as laid down in section 7 of the last-mentioned Act.[5]

3. The owner[6] may refuse or neglect to do the work, in which case the local authority may order the premises to be either shut up or demolished, and may do the work either of repair or reconstruction themselves.[7] And the cost of doing the work may be made a first charge upon the premises.[8]

[1] Section 9. [2] See p. 60. [3] Section 18. [4] Section 5 of Act of 1879.

[5] The power thus conferred upon the owner in unsanitary dwellings of forcing the local authority to purchase, though less formidable since the recent amendment in the law as to compensation (see p. 62), may still interfere with the usefulness of the Act. It is therefore advisable in many cases to adopt the procedure laid down in the Sanitary Acts (see p. 17 and 24) whereby the authorities are empowered to close unhealthy houses. This plan will usually be found effectual in bringing to terms any owner who is inclined to make a profit out of his own neglect and disobedience to the law.

[6] Where the owner is not known and cannot be found, notice may be left with some occupier of the premises, or if there be no occupier may be put in some conspicuous part of the premises (section 16).

[7] Section 18. [8] Section 19.

PURPOSES FOR WHICH LAND BOUGHT MAY BE USED.

Supposing the local authority actually buy any of the land upon which the houses complained of stand, they must then apply it to the particular purposes of the Act as mentioned above; that is to say, to—

1. The providing by the construction of new buildings, or the repairing or improvement of existing buildings, the labouring classes with suitable dwellings situate within the jurisdiction of the local authority.

2. The opening out of closed or partially closed alleys or courts inhabited by the labouring classes, and the widening of the same by pulling down any building, or otherwise leaving such open spaces as may be necessary to make such alleys or courts healthful.

It will be observed that these rather clumsily worded sentences give the power, among other things, to build dwellings for the working classes; and in sections 19 and 20 of the last-mentioned Act, directions are given as to the details of construction, &c.

Section 20 is particularly important, because it gives the local authority power to make bye-laws binding upon all the tenants of the houses built, bye-laws which are enforceable by a penalty not exceeding 2*l*.

All the expenses of carrying out the Act, and of building the houses, are to be borne by the rates,[1] only the special rate for the purpose must not exceed twopence in the pound in any one year,

[1] Section 21, Act of 1879.

POWER TO BORROW, AND TO DEAL WITH OBSTRUCTIVE BUILDINGS.

The local authority may borrow money under certain conditions from the Metropolitan Board of Works for the purposes of carrying out the Act.[1]

One word must be said about the power already referred to (p. 48) with regard to the purchase or alteration of buildings not in themselves unhealthy or unfit for habitation. This is a new power, and is found for the first time in the Act of 1882. It may bring about very useful results. The actual way of getting at such buildings and the land on which they stand will be found in section 8 of that Act.[2] It will be referred to again under the head of compensation.

HOW TO MAKE THE ACTS WORK.

Lastly, there comes the important question of how the Acts may be made effectual, and how the local authority may be stirred up to do its duty. The answer will be found in section 11 of the Act of 1882, which was as follows:—'Where an officer of health in pursuance of the Artisans' and Labourers' Dwellings Act 1868 has reported any premises as unfit for human habitation, or in pursuance of this part of this Act has reported that the pulling down of any obstructive building would be expedient, the *Board of Guardians*, in whose union or parish, *or the owner of any properties in the neighbourhood of which such premises or buildings are situate*, may complain to the Metropolitan Board of Works that the local authority have failed to put in force the provisions of the said Acts in respect of any such premises or buildings, and the Metropolitan Board of Works may, if they think expedient to do so, there-

[1] Section 22, Act of 1879. [2] 45 & 46 Vict. c. 54.

upon proceed under section 12 of the Artisans' and Labourers' Dwellings Act (1868) Amendment Act 1879, and that section shall apply as if it were enacted in this part of this Act and in terms made applicable to the duties of local authorities under this part of this Act.'

The meaning of which long story is in plain English that if the local authority does not do its duty, the Board of Guardians, or the owner of any property in the neighbourhood of the buildings reported about, may appeal to the Metropolitan Board of Works to stir it up. And if the Metropolitan Board of Works thinks fit, it may take the work into its own hands and make the local authority pay for it.

POWER OF PRIVATE INDIVIDUALS TO INTERFERE.

And failing the Board of Guardians there is yet another way in which the law may be set in motion, for in section 12 of the original Act of 1868 the right is given to *any four or more householders* living in or near to any street to give notice in writing to the officer of health that 'in or near that street any premises are in a condition or state dangerous to health so as to be unfit for human habitation,' and the officer is bound forthwith to inspect and report upon the premises. But (and this is an important addition) '*the absence of any such representation shall not excuse him from inspecting any premises and reporting thereon.*'

If in the last resort the four or more householders find that the local authority does nothing, they may, when three calendar months have elapsed since the receipt of the report, send a memorial to the Local Government Board, and that department may direct the local authority to do the necessary work.

CHAPTER VI.

THE ARTISANS' DWELLINGS ACTS.

The series of Acts known commonly as the Artisans' Dwellings Acts are technically described as 'The Artisans' and Labourers' Dwellings Improvement Act, 1875;'[1] 'The Artisans' and Labourers' Dwellings Improvement Act, 1879;'[2] and 'The Artisans' Dwellings Act, 1882, part 2.'[3]

The object of the Acts is to do on a large scale that which Torrens' Acts are intended to do for small areas. It is particularly important to notice that the Acts as they stand at the present day have been carefully amended, and that the fact of their having been comparatively useless when first passed is no proof that in their present state they are unlikely to be efficacious. The last amendment of the Acts is of so recent a date as 1882, and hitherto there has been practically no advantage taken of the alterations made with the express purpose of making the law workable and helpful. The preamble of the principal Act of 1875 contains a fair indication of the purpose of the Legislature in passing it.

PURPOSE OF THE ACTS.

It runs as follows: '*Whereas* various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited as to be highly injurious to the moral and physical welfare of the inhabitants. And *whereas* there are in

[1] 38 & 39 Vict. c. 36. [2] 42 & 43 Vict. c. 63. [3] 45 & 46 Vict. c. 54.

such portions of cities and boroughs as aforesaid, a great number of houses, courts, and alleys, which by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation; and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys, but also in other parts of such cities and boroughs.

'And *whereas* it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health.

'And *whereas* it is necessary for the public health that many of such houses, courts and alleys, should be pulled down, and such portions of the said cities and boroughs should be reconstructed.

'And *whereas* in connection with the reconstruction of those portions of such cities and boroughs, it is expedient that provision be made for dwellings for the working-class who may be displaced in consequence thereof. Be it enacted,' &c.

Such is the intention of the Law; the main provisions of the Acts as they stand are as follows:—

DUTY OF MEDICAL OFFICER.

'The medical officer of health may of his own motion put the law in operation by calling the attention of the local authority to the fact that within an area under its jurisdiction there are any houses, courts, or alleys, unfit for human habitation; or that diseases indicating a generally low condition of health amongst the population have been from time prevalent in a certain area within the jurisdiction of the local authority, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement, or the bad con-

dition of the streets and houses, or groups of houses, within such area, or to the want of ventilation or proper conveniences, or to other sanitary defects, or to one more of such causes, and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses'; then 'the local authority shall take such representation into their consideration, and if satisfied of the truth thereof and of the sufficiency of their resources, shall pass a resolution to the effect that such an area is *an unhealthy area*, and that an *improvement scheme ought to be made* in respect of such an area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.'[1]

MEANING OF 'OFFICIAL REPRESENTATION.'

'An official representation shall mean in the metropolis a representation made by the medical officer of health of any district board or vestry, or by such medical officer as is hereafter in this Act mentioned; and a medical officer shall make such representation "whenever he sees cause" to do so.'[2]

POWERS OF JUSTICES AND OF RATEPAYERS.

But the medical officer is not the only person who can start the machine. The initiative can come from two other sources, viz.:—

1. Two justices of the peace acting within the jurisdiction for which the medical officer is appointed.

2. Twelve or more persons liable to be rated to any rate out of the proceeds of which the expenses of the local authority under the Act are made payable.

[1] Section 3. [2] Section 4.

Either the two justices or the twelve or more ratepayers referred to, may complain to the medical officer of the unhealthiness of the area, and it then becomes the duty of the medical officer to inspect such area, and to make an official representation stating the facts of the case, and whether in his opinion the area is an unhealthy one or not.[1]

DUTY OF LOCAL AUTHORITY.

Supposing the local authority is satisfied by the report of their officer that the area in question is such as to require dealing with, it is then their duty to frame what is called an improvement scheme.[2]

THE IMPROVEMENT SCHEME.

This scheme is to be accompanied by maps and plans as to details. It may include the whole or part of the area. It may also provide for widening any existing approaches to the unhealthy area, and for opening out the same for the purposes of ventilation or health.

When the scheme is drawn up the next step is to give notice of the fact to the persons likely to be affected, that is to say, the owner, reputed owner, lessee or reputed lessee, and occupier of any lands which are to be taken compulsorily. The manner of issuing, posting, and serving the notices will be found in section 6 of the Act of 1875.

NOTICES REQUIRED.

One special point with regard to notices is important; it is contained in section 11, which Act runs as follows: 'The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the

[1] Section 4. [2] Section 3.

same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take such houses until they have obtained a certificate of a justice of the peace that it has been proved to the satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses.'

PETITION TO THE HOME SECRETARY.

Having noted this point, it only remains to inquire what the local authority can do next, having drawn up its scheme and issued its notices. The answer will be found in section 6, which directs that the local authority shall present a petition to the Home Secretary (called in the Act the confirming authority), who will, if he approve of the scheme, issue a 'provisional order' for its being carried out. This provisional order must then be served upon all the interested persons named above, with the exception of tenants for a month or less. The last step is for the Home Secretary to bring a Bill into Parliament to give the provisional order the form of law. This done the local authority may set to work to carry out their scheme.

CARRYING OUT OF SCHEME.

To carry out the object of the Act, namely, to secure the erection of suitable artisans' dwellings, the local authority are required to proceed as soon as possible. They are to purchase the land required for the scheme, and may then—

1. Sell or let any part of it to purchasers or lessees, under an undertaking to carry out the scheme.

2. Agree with any body of trustees, society, or person, to carry out the scheme upon such terms as the local authority think expedient.

3. *With the express approval of the Home Secretary*, carry out the scheme, and erect the necessary dwellings themselves.[1]

MONEY TO CARRY OUT THE ACTS.

Any local authority under the Act may borrow money for the purposes of the Act, on the security of the lands, houses, or other property acquired, and may mortgage the same to the lenders.

Payment of interest may be made out of the rates, and money may also be paid out of the rates for the improvement of the houses built, if the amount received from tenants, &c., is not sufficient to cover expenses.[2]

HOW TO MAKE THE ACT WORK.

If the local authority fails to do its duty, and upon a representation being made, neglect or refuses to draw up a scheme, the Home Secretary may order an inquiry to be made into the cause of their inaction, and may frame a report of the case for his own use.[3]

Or if the medical officer fails in his duty, and in a case where twelve ratepayers have made a complaint to him of the unhealthiness of any area, he has neglected or declined to make an official representation to the Home Secretary, the twelve ratepayers may then themselves, on giving security for costs, appeal over the head of the medical officer to the Home Secretary, who may then order a local inquiry to be made.[4]

And moreover, if the local authority actually clears land for the purpose of erecting artisans' dwellings, but allows it to remain more than five years without actually building upon it, the Home Secretary may sell the land and arrange with the purchasers to carry out the authorised scheme upon it.[5]

[1] Section 9. [2] Sections 21 & 22. [3] Section 8. [4] Section 15. [5] Section 10.

REHOUSING.

The original Act of 1875 contained very stringent provisions for securing the accommodation of all persons displaced by the carrying out of the scheme. But experience has shown that too much was required in this direction, more indeed than was actually necessary to insure the welfare of the actual tenants. And now under the last Act, that of 1882, the amended law stands as follows :—

'Where an improvement scheme of a local authority comprises an area situate in the metropolis or the City of London, the confirming authority (i.e. the Home Secretary) shall without prejudice to the powers conferred on it by the fourth section of the Artisans' Dwellings Act, 1879,[1] be authorised (on the application of the local authority, and on a report being made by the officer conducting the local inquiry, directed by the confirming authority, that it is expedient, having regard to the special circumstances of the locality, and to the number of artisans and others dwelling within the area and being employed within a mile thereof, that a modification should be made) to dispense, in the provisional order authorising the scheme, altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme, to such extent as he may think expedient, having regard to such special circumstances as aforesaid, but not exceeding *one-half* of the persons so displaced.'

[1] The Act of 1875 makes it compulsory to provide for as many persons as are displaced (section 5). The Act of 1879 allows the confirming authorities to relax this provision when it appears that equally convenient accommodation can be provided for the persons displaced 'at some place other than within the area, or the immediate vicinity of the area, comprised within the improvement scheme;' and where it is proved that 'the required accommodation has been, or is about to be forthwith provided.' And this Act further empowers the local authority to appropriate for the accommodation of the persons displaced any suitable lands belonging to them, or to purchase such lands (section 4).

CHAPTER VII.

COMPENSATION.

The question of compensation for the compulsory sale or alteration of existing premises does not come directly within the list of matters which can be affected by the action of private individuals. It has, however, a very important bearing upon these matters indirectly. For instance, suppose it be intended to set in motion the powers given in Torrens' Acts, or in the Artisans' Dwellings Acts, and to compel one or more owners to sell their property. One of the first considerations which arise will obviously be that of the price to be paid for the property taken. Until some fairly correct estimate is formed as to what will be the price paid, it is impossible to find out whether dwellings of a certain class and let at a given rental will pay as a commercial undertaking.

Hitherto, one of the greatest difficulties that has been found in the actual working of the Acts has been the enormous amounts which it has been necessary to pay to owners for their property and for the supposed loss attending a compulsory sale. It is not plain that this need have been so if the law had been rightly understood and rigidly applied: but be that as it may, there can be no doubt that much good work was stopped by the fear of excessive compensation. It is particularly important to notice that Parliament has understood the existence of this difficulty, and has taken measures with the express purpose of getting rid of it. As the law stands, it may be said that what justice demands the law awards. It has long been contended

that no compensation is justly due to owners who have allowed their premises to fall into a condition which the proper authority has declared to be unfit for human habitation. It is not too much to say that at the present moment this is the view which the law actually takes.

Before turning to the sections which regulate the giving of compensation, it will be well to carry the memory back to the definitions of a 'nuisance,' given at p. 15, and to the penalties which are imposed upon those who create such nuisances, or who allow them to continue. What the Sanitary Acts say is that an owner who permits or promotes the existence of a nuisance thereby breaks the law. What the compensation clauses of the Acts of 1882 say is that no person shall receive compensation on account of property in a condition condemned by the law. For the sake of clearness it will be well to deal separately with the rules as to compensation under Torrens' Acts and those comprised in the Artisans' Dwellings Acts.

COMPENSATION UNDER TORRENS' ACTS.

In section 7 of the Act of 1879 [1] it is enacted that in all cases in which the amount of any compensation is in pursuance of the Act to be settled by arbitration, the following provisions shall have effect; namely:—

1. 'The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board.'

2. 'In settling the amount of any compensation, the estimate of the value of the premises shall be based on the fair market value as estimated at the time of the valuation being made of such premises, and of the several interests in such premises, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in

[1] 42 & 43 Vict. c. 64.

their existing state, and to the state of repair thereof (and all circumstances affecting such value[1]), and without any additional allowance in respect of compulsory purchase; and

The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the alteration or demolition by the local authority, of the premises.

Side by side with this important clause we must also read sub-section 8 of Clause 8 of the amending Act of 1882.[2] It refers to compensation payable in respect of land, or houses without the land, which the owner has been compelled to deal with under an order for the removal of obstructive buildings, or which he has forced the local authority to purchase (see p. 49). The section contains the following proviso:—

Where, in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building; and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly.

These sections must be read with great care, for they establish some very important points, which may be thus summarised:—

1. Compensation is to be assessed upon the market value of

[1] These words are struck out by the Act of 1882, section 9, and are therefore not to be considered by the arbitrator.

[2] 45 & 46 Vict. c. 54.

the premises at the time of the valuation being made. But the market value is affected by two important qualifications. The arbitrator must take into account:

a. The nature and then condition of the property.

b. The probable duration of the buildings in their existing state, and the state of repair thereof. And lastly, there is to be no allowance made on account of compulsory purchase.

Thus, supposing a really bad area is to be dealt with, it is not necessary to be alarmed about the overwhelming amount of compensation which it will be necessary to pay. For instance, the arbitrator is bound to pay attention to the 'nature and then condition of the property.' But we have seen that property which is overcrowded, which is unhealthy, which is badly provided with sanitary appliances, is in itself against the law, and the owner is not only bound to set matters straight out of his own pocket, but is liable to be fined for allowing them to be as they are. Therefore the arbitrator is plainly justified in deducting from the amount of his award an amount equal to that which the owner ought to have expended, and can be made to pay before he is entitled to any compensation at all. Then remember that 'compulsory purchase' is not to run up the amount given, and it will be seen that in a really bad case the item of compensation ought to be a very small one.

This, of course, refers to areas which are reported as being 'dangerous to health' or unfit for 'human habitation.' But even the amount of compensation paid for property which is not in itself in a bad state, but which is dealt with because it is 'obstructive,' need not be very high, especially when we remember the provision in the Act of 1882 [1] to the effect that the arbitrator, in making his award, shall take into account the increased value given by the demolition to surrounding buildings, and that the rates on such buildings may be raised in proportion to such additional value.

[1] See p. 62.

AN ILLUSTRATION.

For instance. If an improvement scheme involves the pulling down of a large block of obstructive buildings, A., the owner of the buildings will have to be compensated, and the ratepayers will of course be out of pocket to the amount paid. On the other hand, however, the arbitrator may say that the pulling down of A.'s obstructive buildings enhances the value of some neighbouring property of A., or of other buildings belonging to B., C., and D. He is to say what he considers to be the amount of such enhanced value, and the improved property may then be subjected to an increased rate, whereby the ratepayers will receive back part, or it may even be the whole, of what they were compelled to pay in the shape of compensation.

COMPENSATION UNDER THE ARTISANS' DWELLINGS ACTS.

The rules as to compensation under the Artisans' Dwellings Acts are even more stringent and satisfactory than those already referred to in connection with Torrens' Acts. The actual law as it stands is contained after the usual fashion of our Statute-book in three different sections of three different Acts, each section modifying, repealing, and adding to the others. The outcome of the whole matter is as follows:—

'Whenever the compensation payable in respect of any lands, or of any interest in any lands, proposed to be taken compulsorily in pursuance of this Act, requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value, as estimated at the time of the valuation being made of such lands and of the several interests in such lands.'[1]

[1] Act of 1875, section 19.

BUILDINGS ERECTED AFTER NOTICE OF SCHEME.

But in the estimate of the said lands and interests any addition to or improvement of the property made after the date of the publication of an advertisement in pursuance of section 6 of the said Act (that of 1875), stating the fact of the improvement scheme having been made, *shall not* (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) *be included*, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands.[1]

STATE OF PROPERTY TO BE CONSIDERED.

And in forming the estimate, due regard is further to be had to 'the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof,[2] without any additional allowance in respect of the compulsory purchase of an area or of any part of an area in respect of which an official representation has been made, or of any lands which in the opinion of the arbitrator have been included in a scheme as falling under the description of property named in the 3rd section of this Act.'[3]

'The description of property named in section 3' is property which consists of any houses, courts, or alleys, reported by the medical officer to be 'unfit for human habitation,' or in which diseases indicating a generally low condition of health among the population have been from time to time prevalent, and the prevalence of which may reasonably be attributed to the close-

[1] Act of 1882, section 4.

[2] The words 'and all circumstances affecting such value,' which occur here in the original Act, are cut out by section 4 of the Act of 1882.

[3] Act of 1875, section 19.

ness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and the evils and sanitary defects of which houses, &c., cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within the area.[1]

DEDUCTION FOR EXISTING NUISANCES.

And lastly, in assessing the compensation, evidence shall be receivable by the arbitrator to prove that at the date of the confirming Act authorising such a scheme, or at some previous date not earlier than the date of the official representation in which the scheme originated, such house or premises was by reason of its unhealthy state, or by reason of overcrowding or otherwise, in such a condition as to have been a nuisance within the meaning of the Acts relating to nuisances ; and if the arbitrator is satisfied that from either of such causes as aforesaid, such house or premises was, at such dates as aforesaid or either of them, a nuisance as aforesaid, he shall then determine what would have been the value of such house or premises supposing the nuisance to have been abated, and what would have been the expense of abating the nuisance ; and the amount of compensation payable in respect of such house or premises shall be an amount equal to the estimated value of the house or premises after the nuisance was abated, and after deducting the estimated expense of abating the nuisance.

SUMMARY OF THE ABOVE.

The meaning of all of which is in brief as follows.

The arbitrator in fixing the compensation must take into

[1] Act of 1875, section 3.

account 'the market value,' but in arriving at what is the market value he must deduct sums for the following items :—

1. The bad state of repair in which the premises are.

2. The shortness of the term for which they are held.

3. The property being itself a nuisance, or offending against the Nuisance Acts,[1] and the fact of another owner being liable to abate the nuisances before he receives a penny.

When all these deductions are made, the amount of the compensation will often be very small indeed, unless some allowance be made for 'compulsory purchase,' and, as we have seen, no allowance whatever is to be made on this score where the property taken is in the unhealthy and neglected state which it is the particular object of the Acts to wage war upon.

And lastly, the arbitrator is not to grant any compensation for improvements made after notice has been given that the Act is going to be put in force; so that owners cannot erect buildings, as has been done before now, simply with the object of getting excessive compensation for them.

VALUE OF COMPENSATION CLAUSES.

It will thus be seen that wherever a really bad case is taken in hand there is no occasion to be alarmed. If the law be strictly carried into effect, there will frequently be a very small amount payable; and there will doubtless be instances in which there may be actually a sum payable by the owner for his neglect of duty, in excess of that due to him for the property of which he is deprived.

THE ARBITRATOR.

One word must be said as to the arbitrator. He is appointed by the Home Office on the application of the local authority.

[1] See p. 15.

His decisions are final where the award is less than 1,000*l.* Above that there is an appeal to a jury against his decision.[1]

The form of proceedings in an arbitration under the Artisans' Dwellings Acts will be found under Article 28 of the Schedule to the Act of 1875,[2] and in the amended schedule annexed to Act of 1882.[3]

[1] Act of 1882, schedule. [2] 38 & 39 Vict. c. 36. [3] 45 & 46 Vict. c. 54.

PART III.

CHAPTER VIII.

RAILWAY CLEARANCES.

It has been mentioned [1] that considerable clearances of land in the metropolis are sometimes effected by private companies, and that in some cases a legal obligation is imposed upon the Companies thus acting to provide for the persons displaced by them.

Unfortunately the intentions of the Law in this matter are considerably in advance of its real power for good.

Parliament, it is true, has done something towards recognising the duty of Companies displacing persons under compulsory powers to provide accommodation in lieu of that destroyed, and taken steps to enforce performance of the duty.

For some years there has been a permanent standing order [2] which provides that together with any private bill containing powers for the compulsory displacement of any number of persons there shall be deposited a statement as to whether any and what provision is made in the bill for remedying any inconvenience likely to arise from such bill. On inquiry at the private bill office such document can be seen, and from it

[1] See p. 10.

[2] House of Lords Standing Orders, 111; House of Commons Standing Orders, 184.

can be ascertained what number of houses it is intended to take, and how many persons are likely to be displaced. Further than this, all railway Bills at the present time contain a clause purporting to provide for the proper housing of persons disturbed by the operations of the railway.

The clause referred to is not always in the same form; the most recent and probably the most satisfactory form runs as follows:

'The Company shall eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public near upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.'

And in section 26 of the same Act—

'Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company and such other persons shall (unless the Company and such other persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons, provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice. And the Company may for the purpose of proving such accommodation appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section or any of them any

moneys they may have already raised or are authorised to raise.'[1]

These sections, plausible as they look, are however of very little use in practice. As a matter of fact, by the time the Railway Company comes to the point of actually putting its compulsory powers in force, there are usually no persons of the labouring class in a position to take advantage of the protection given by the law.

What actually happens in most cases is, that the railway either before the Bill is actually passed, or after it has become law, takes the very course suggested by the section and arrives at an agreement with the persons controlling the premises about to be distributed.

This can be done in two ways. Either the landlord can be induced to give notice to the tenants, who are nine times out of ten merely weekly tenants, in which case long before the railway comes the whole district is cleared out, and nobody of the labouring classes or any other class is left to take advantage of the provisions of the law; or an agent of the Company goes round with a bag full of sovereigns which he distributes among the occupants on condition that they will take their departure. Such an appeal is generally irresistible, and the present possession of 40*s.* in ready money is generally quite sufficient to overcome any fears as to what will befall in the future. Of course what really happens is that the persons displaced simply herd together in some already overcrowded neighbourhood, and the precise evil which the Legislature has endeavoured to guard against is brought about in an aggravated form. The law has been evaded not broken.

There is often no means of avoiding such an unfortunate result as that just described. It can indeed only be avoided in

[1] These sections are taken from the Great Northern Railway Act, 46 & 47 Vict. c. 175, sections 25 & 26, but similar provisions are to be found in various recent Acts,

one way, namely, by persons who have the confidence both of the landlord of the threatened district and of the tenants, inducing both parties to stand upon their rights and to remain in possession until the bill is actually passed and the notices served.

Of course it is very rarely that a private landlord can be persuaded to forego the large compensation which a Railway Company is able to offer; but in cases which sometimes occur, where public institutions or large companies are the landlords, the course of action suggested above may sometimes be successfully resorted to.

OVERCROWDING AND THE REMOVAL OF CHILDREN.

An allusion has been made in an earlier chapter to the question of overcrowding, and it has been pointed out that overcrowding in itself is a nuisance within the meaning of the Sanitary Acts. It is found however in practice that the whole evil to be guarded against does not consist merely of the close association of human beings under conditions dangerous to their bodily health, but that it included the equally dangerous results arising from moral contamination. For instance, in a recent account of a very poor locality the informant states that in a room he visited the children were turned out into the street in the early evening because their mother lets the room for immoral purposes until long after midnight. Such a case as this ought to have been impossible had the law been strictly carried out; its occurrence has been provided against by the section of the Industrial Schools Act whereby children lodging with prostitutes or frequenting their company not only may but must be sent to an Industrial School. And the same may be said of those children who are referred to as growing up in a life of dishonesty and crime, the outcome of their association with the criminal classes. They too under the provisions of the Act referred to, ought, if the law were properly put in force, to be

removed from such associations under the powers given for dealing with children frequenting the company of reputed thieves.

There are, in fact, various powers under the Reformatory and Industrial School Acts, and under the Elementary Education Acts, whereby children may be withdrawn without the consent of their parents from their ordinary surroundings, and some of the worst results of overcrowding be thereby avoided.

The classes of children who may be dealt with under these Acts may be summarised as follows.

Children who may be sent to an Industrial School:

1. Children found begging, wandering, and not having any home; children found destitute, children frequenting the company of reputed thieves.

2. Children charged with an offence, but who have not been previously convicted of felony.

3. Refractory children sent by their parents.

4. Refractory children sent from a workhouse or pauper school.

5. Children of a mother twice convicted of 'crime' and sentenced to penal servitude.

6. Children sent for breach of an order to attend school (*a*) whose education is habitually neglected, (*b*) who are found habitually wandering or in the company of rogues.

7. Children lodging with prostitutes or frequenting their company.

The children must be under fourteen, or if sent charged with an offence, under twelve, if sent for breach of an attendance order, not under five.

HOW TO PUT THE LAW IN FORCE.

The power of putting the law in force with regard to these children practically lies with any member of the public; and

with regard to committals under the Elementary Education Acts there are two ways of proceeding. In the first place it is open to *any person* to inform the School Board with regard to a child within its jurisdiction liable to be sent to an Industrial School under the Acts of 1866 [1] or 1876,[2] and it is the *duty of* the School Board to act upon the information. In the second place the task, which is open to any member of the public, is especially declared to be the duty of the School Board, and it is the business of its officers to find out and to deal with children to whom the special powers referred to may apply.

CHEAP TRAINS.

An important Act of Parliament was passed in 1883 [3] intended to encourage the running of cheap trains by the Railway Companies, and thus to relieve the congested districts of the Metropolis by allowing workmen to live in outlying suburbs. The material part of the Act is to the following effect.

If at any time the Board of Trade have reason to believe (*a*) that upon any railway or part of a railway, or upon any line or system of railways, whether belonging to one Company or two or more Companies, which forms a continuous means of communication, a due and sufficient proportion of the accommodation provided by such Company or Companies is not provided for passengers at *fares not exceeding one penny a mile*; or, (*b*) that upon any railway carrying passengers proper and sufficient workmen's trains are not provided for workmen going to and returning from their work at such fares and at such times between six o'clock in the evening and eight o'clock in the morning as appear to the Board of Trade to be reasonable, then, and in that case, the Board of Trade may make such inquiry as they think necessary, or may, if required by the Company or any of the Com-

[1] Industrial Schools Act. [2] Elementary Education Acts.
[3] 46 & 47 Vict. c. 34.

panies concerned, refer the matter for the decision of the Railway Commissioners.

If it is proved to the satisfaction of the Board of Trade or of the Commissioners that proper workmen's trains are not provided, the Board of Trade, or the Commissioners, as the case may be, may order that such proper accommodation shall be supplied at reasonable fares.

If the Company does not provide the accommodation required, it may be deprived of the benefit of the Act, which in section 2 removes the passenger duty upon fares not exceeding one penny per mile.

It will thus be seen that a strong inducement is held out to Railway Companies to provide cheap workmen's trains.

PENALTIES.

Wherever penalties are made recoverable under any of the Acts mentioned in these pages by summary process before a magistrate, an important limitation is imposed by law which readers must not overlook.

By Section 11 of the Summary Jurisdiction Act of 1846,[1] commonly known as Jarvis's Act, it is provided that, 'In all cases where no time is already, or shall hereafter be specially limited for making any such complaint or laying any such information in the Act or Acts of Parliament relating to each particular case (*i.e.* a complaint upon which a Justice or Justices of the Peace is, or are, or shall be, authorised by law to make an order, and an information for any offence or act punishable upon summary conviction), such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.'

[1] 11 & 12 Vict. c. 43.

The practical upshot of the section quoted is as follows: That where any person seeks to recover the penalties imposed by the Acts herein quoted for acts of omission or commission, he must be careful to remember that the nuisance, neglect or omission of which he complains arose, or was committed within six months previous to the date of his issuing the summons. A failure to observe this rule will lead to the applicant being defeated.

APPENDIX.

I.

DEFINITIONS.

METROPOLITAN LOCAL MANAGEMENT ACT, 1855.
18, 19 Vict. c. 120.

1. *Metropolis.*—The City of London and the parishes and places mentioned in the schedules to this Act. (Practically the districts mentioned in the Tables on p. 78.)

2. *Owner.*—The word 'owner' shall (except for the purpose of the provisions of this Act requiring notice to be served on owners or reputed owners of land before application to one of Her Majesty's principal Secretaries of State for his consent to examine powers of taking land, or any right or easement in or over land compulsorily) mean the *person for the time being receiving the rack-rent of the lands or premises in connection with which* the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent.

3. *Street.*—The word 'street' shall apply to include any highway (except the carriageway of any turnpike road) and any road, bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, &c.

4. *Drain.*—The word 'drain' shall mean and include any drain of, and used for, the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board.

5. *Sewer.*—The word 'sewer' shall mean and include sewers and drains of every description, except drains to which the word 'drain,' interpreted as aforesaid, applies.

6. *Ashpit.*—The word 'ashpit' shall include 'dustbin.'

Metropolis Local Management Act Amendment Act, 1862, 25, 26 Vict. c. 102.

Definitions as above in Act of 1855.

Metropolitan Building Act, 1855, 18, 19 Vict. c. 122.

7. *Public Building.*—'Public building' shall mean every building used as a church or other public place of worship, also every building used for purposes of public instruction; also every building used as a college, public hall, hospital, theatre, public concert-room, public ball-room, public lecture-room, public exhibition-room, or for any other public purposes.

8. *External Wall.*—'External wall' shall apply to every outer wall or vertical enclosure of any building not being a party wall.

9. *Party Wall.*—'Party wall' shall apply to every wall used or built in order to be used as a separation of any building from any other building with a view to the same being occupied by different persons.

10. *Owner.*—The word 'owner' shall apply to every person in possession or receipt either of the whole or any part of the rents or profits of any land or tenement, or in the occupation of such land or tenement, or other than as a tenant from year to year or for any less term, or as a tenant at will.

11. *Person.*—'Person' shall include a body corporate.

12. Limits of Act same as No. 1; save that nothing in the Act to affect the powers vested by any Act of Parliament in the Commissioners of Sewers of the City of London for the time being.

Act to amend the Metropolitan Water Act, 1852, &c. 34, 35 Vict. c. 113, 1871.

13. *Metropolis.*—The same as No. 1. *Person.*—The same as No. 11.

14. *Metropolitan Authority.* — The expression 'Metropolitan Authority' shall mean in the places specified in the table in the

schedule (A) to this Act annexed the bodies or persons named in the same table. The schedule describes the Metropolitan Authority so far as the Metropolis proper is concerned as follows :—

Places.	*Description of Metropolitan Authority.*
The City of London and the Liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The Metropolis except the City of London and the Liberties thereof.	The Metropolitan Board of Works.

15. *District.*—The term 'district' shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a Metropolitan Authority, and also within the water limits (*i.e.* the limits a company is authorised to supply) and being coterminous with some one or more services of such company.

16. *Premises.*—The term 'premises' shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together, or in connection with any dwelling-house or any part of a dwelling-house.

17. *Fittings.*—The term 'fittings' includes communication-pipes, and also all pipes with cisterns, and other apparatus used or intended for supply of water by a company to a consumer, and for that purpose placed in or about the premises of the consumer.

18. *Owner.*—The term 'owner' means the person who for the time being receives the rack-rent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rack-rent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises.

19. *Court of Summary Jurisdiction*—The term 'court of summary jurisdiction' means and includes any justice or justices of the peace, metropolitan police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of her present Majesty intituled 'An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders,' and any Acts amending the same (see page 75).

TORRENS' ACTS, 31, 32 Vict. c. 130, 1868.

20.—*Street.*—The word 'street' includes any court, alley, street, square, or row of houses.

Premises.—The word 'premises' means any dwelling-house or inhabited building, and the site thereof, with the yard, garden, outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

21. *Person.* The same as in No. 11.

22. *Owner.*—The expression 'owner,' in addition to the definition given by the Lands Clauses Act,[1] shall include all lessees or mortgagees of any premises required to be dealt with under this Act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which 21 years do not remain unexpired.

23. *Officer of Health.*—'Officer of health' shall mean and include medical officer of health, sanitary inspector, or any statutory officer performing the duties which a medical officer or sanitary inspector performs under or by virtue of any Act of Parliament.

24. *Metropolis.*—The 'metropolis' *shall not include* the city of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works. These definitions apply to the amending Acts of 1875 and 1882.

ARTISANS' DWELLINGS ACT, 1875, 38 & 39 Vict. c. 36.

25. *Person.*—The same as in No. 11.

26. *Lands.*—'Lands' shall include messuages, lands, tenements, hereditaments of any tenure, and any right over land.

27. *District Board or Vestry.*—'A district board or vestry' within the metropolis means a district board or vestry as incorporated by the Metropolitan Management Act, 1855 (see p. 84).

28. *Secretary of State.*—'Secretary of State' means one of her Majesty's principal Secretaries of State (practically the Home Secretary).

NUISANCES REMOVAL ACT, 1855, 18 & 19 Vict. c. 121.

29. *Local authority.*—In the City of London and the liberties thereof the 'local authority' is the commissioners of sewers for the time being.

[1] The Lands Clauses Act, 8 Vict. c. 18, section 3, 1845, defines 'owner' as any person or corporation, who, under the provisions of that or a special Act, would be enabled to sell and convey lands to the promoters of the undertaking.

In the metropolis the vestries and district boards, and in Woolwich the local board of health.

NUISANCES REMOVAL ACT, 1860, 23 & 24 Vict. c. 77.

The same definitions as above.

PUBLIC HEALTH ACT, 1866, 29 & 30 Vict. c. 90.

30. *Nuisance authority.*—'Nuisance authority' shall mean any authority empowered to execute the Nuisances Acts.

31. *Local authority.*—As in No. 29.

II.

LOCAL AUTHORITY AND CONSTITUTION OF VESTRIES, &c.

The Local Authority for the whole of the Metropolis is the Metropolitan Board of Works.

The Local Authority for the separate districts into which the Metropolis is divided is the Vestry or District Board.

A District Board is a combination of two or more Vestries for the purpose of exercising the powers of a Local Authority. Woolwich, which is within the Metropolitan area, is exceptional in its constitution, the Local Authority being the Local Board of Health.

The following table shows the division of the Metropolitan area for the purpose of representation on the Metropolitan Board of Works. It is useful as showing at a glance the district or parish in which any locality is included :—

THE CITY, PARISHES, DISTRICTS, &c., REPRESENTED ON THE METROPOLITAN BOARD OF WORKS.

Constituency represented by Three Members on the Metropolitan Board.

City of London.

SCHEDULE A.

Part 1.—*Parishes each represented by Two Members on the Metropolitan Board.*

St. Mary-le-bone.
St. Pancras.
Lambeth.
St. George, Hanover Square.
Islington (St. Mary).
Shoreditch (St. Leonard).

Part 2.—Parishes each represented by One Member on the Metropolitan Board.

Paddington.
Bethnal Green (St. Matthew).
Newington, Surrey (St. Mary).
Camberwell.
St. James, Westminster.
Clerkenwell (St. James and St. John).
Chelsea.
Kensington (St. Mary Abbott).
St. Luke, Middlesex.
St. George the Martyr (Southwark).
Bermondsey.
St. George-in-the-East.
St. Martin-in-the-Fields.
Hamlet of Mile End
Old Town (part of Stepney).
Woolwich.
Rotherhithe see Sched. B, Part 3).
Hampstead (St. John).

SCHEDULE B.

Part 1.—Districts represented by One Member on the Metropolitan Board

Whitechapel District.

Whitechapel (St. Mary).
Christchurch, Spitalfields.
St. Botolph-without-Aldgate.
Holy Trinity, Minories.
Precinct of St. Catherine.
Hamlet of Mile End, New Town.
Liberty of Norton Folgate.
Old Artillery Ground.
District of the Tower.

Westminster District.

St. Margaret.
St. John the Evangelist.

Greenwich District.

St. Paul, Deptford (including Hatcham).
St. Nicholas, Deptford.
Greenwich.

Wandsworth District.

Clapham.
Tooting Graveney.
Streatham.
Battersea (including Penge).
Wandsworth.
Putney (including Roehampton).

Hackney District.

Hackney.
Stoke Newington.

St. Giles District.

St. Giles-in-the-Fields.
St. George, Bloomsbury.

Holborn District.

St. Andrew, Holborn above Bars.
St. George the Martyr.
St. Sepulchre, Middlesex.
Saffron Hill, Hatton Garden, Ely Rents, Ely Place.
Liberty of Glasshouse Yard.

Strand District.

St. Anne, Soho.
St. Paul, Covent Garden.
Precinct of the Savoy.
St. Mary-le-Strand.
St. Clement Danes.
Liberty of the Rolls.

Fulham District.

Hammersmith (St. Peter and St. Paul).
Fulham.

Limehouse District.

St. Anne, Limehouse.
St. John, Wapping.
St. Paul, Shadwell.
Hamlet of Ratcliff.

Poplar District.

All Saints, Poplar.
St. Mary's, Stratford-le-Bow.
St. Leonard, Bromley.

St. Saviour District.

Christchurch.
St. Saviour (including the Liberty of the Clink).

Part 2.—Two Districts united for representation by One Member on the Metropolitan Board.

Plumstead District.

Charlton-near-Woolwich.
Plumstead.
Eltham.
Lee.
Kidbrooke.

Lewisham District.

Lewisham (including Sydenham Chapley).
Hamlet of Penge.

Part 3.—One District united to Rotherhithe Parish for representation by One Member on the Metropolitan Board.

St. Olave District.

St. Olave.
St. Thomas, Southwark.
St. John, Horsleydown.

SCHEDULE C.

Unrepresented Extra Parochial Places.

The Charter House.
Gray's Inn.
The Close of the Collegiate Church of St. Peter.
Inner Temple.
Middle Temple.
Lincoln's Inn.
Staple Inn.
Furnival's Inn.

The following is a list of the Metropolitan Sanitary and Nuisance Authorities, with the name and address of the Clerk to the Vestry or District in each case:

Vestries, &c.	Name and Address of Clerk.
City of London . . .	H. Blake, City Sewers Office, Guildhall, E.C.
St. Mary-le-bone . .	W. E. Greenwell, Court House, Mary-le-bone, W.
St. Pancras . . .	Thomas E. Gibb, Vestry Hall, Pancras Rd., N.W.

Vestries, &c.	Name and Address of Clerk.
Lambeth	H. J. Smith, Vestry Hall, Kennington Green, S.E.
St. George, Hanover Square	J. H. Smith, Mount St., Grosvenor Sq., W.
St. Mary, Islington . .	W. F. Dewey, Vestry Hall, Upper St., Islington, N.
St. Leonard, Shoreditch .	E. Walker, Town Hall, Old St., E.C.
Paddington . . .	Frank Dethridge, Vestry Hall, Paddington Green, W.
St. Matthew, Bethnal Green	Robert Voss, Vestry Hall, Church Row, Bethnal Green, N.E.
St. Mary, Newington, Surrey	L. J. Dunham, Vestry Hall, Walworth, S.E.
Camberwell . . .	George W. Marsden, Vestry Hall, Camberwell, S.E.
St. James, Westminster .	H. Wilkins, Vestry Hall, Piccadilly, W.
St. James and St. John, Clerkenwell . . .	Robert Paget, Vestry Hall, 28 Rosoman St., E.C.
Chelsea	J. E. Salway, Vestry Hall, King's Rd., Chelsea, S.W.
St. Mary Abbott, Kensington	George C. Harding, Town Hall, Kensington, W.
St. Luke, Middlesex . .	G. W. Preston, Vestry Hall, City Rd., E.C.
St. George the Martyr, Southwark . . .	A. Millar, Vestry Hall, Borough Rd., S.E.
Bermondsey . . .	J. Harrison, Neckinger St., Bermondsey, S.E.
St. George-in-the-East .	T. G. Harrison, Vestry Hall, Cable St., E.
St. Martin-in-the Fields .	G. W. Murnance, Vestry Hall, St. Martin-in-the Fields, W.C.
Hamlet of Mile End, Old Town	M. Justum, Vestry Hall, Bancroft Rd., Mile End Rd., E.
Woolwich	Andrew C. Reed, Town Hall, William St., Woolwich, S.E.

Vestries, &c.	Name and Address of Clerk.
Rotherhithe . . .	J. J. Stokes, Paradise St., Rotherhithe, S.E.
St. John, Hampstead .	T. Bridger, Workho., Hampstead, N.W.
Whitechapel District. .	A. Turner, 15 Great Alie St., Whitechapel, E.
Westminster District . .	B. W. Holt, Great Smith St., Westminster, S.W.
Greenwich District . .	J. Spencer, 141 Greenwich Rd., S.E.
Wandsworth District. .	A. A. Corsellis, Battersea Rise, Wandsworth, S.W.
Hackney District . .	Richard Ellis, Town Hall, Hackney, N.E.
St. Giles' District . .	J. H. Jones, 199 Holborn, W.C.
Strand District . . .	T. M. Jenkins, 5 Tavistock St., Strand, W.C.
Fulham District . .	T. E. Jones, Broadway House, Hammersmith, W.
Limehouse District . .	T. W. Ratcliff, White Horse St., Commercial Rd., E.
Poplar District . . .	W. H. Farnfield, 117 High St., Poplar, E.
St. Saviour's District .	W. H. Atkins, Emerson St., Bankside, S.E.
Plumstead District . .	G. Whale, Charlton, S.E.
Lewisham District . .	H. S. Winnett, Rushey Green, Catford, S.E.
St. Olave District . .	E. Bayley, 86 Queen Elizabeth St., S.E.

Election of Vestrymen.

The following are the sections of the Metropolitan Local Management Act, 1855, regulating the qualifications and election of Vestrymen. The Vestry elected under this Act in any parish shall consist of persons rated or assessed to the relief of the poor upon a rental of not less than 40*l.* per annum; and no person shall be capable of acting or being elected as one of such Vestry for any parish unless he is the occupier of a house, lands, tenements, or hereditaments in such parish, and be rated or assessed as aforesaid upon such rental as aforesaid within such parish; provided always, that in any parish in which the

number of poor-rate assessments at 40*l.* or upwards does not exceed one-sixth of the whole number of such assessments; it shall not be necessary, in order to qualify a person to be a Vestryman, that the amount of rental upon which he is rated or assessed as aforesaid exceed 25*l.* Provided also, that the joint occupation of any such premises as aforesaid, and a joint rating in respect thereof, shall be sufficient to qualify each joint occupier in case the amount of rental on which all such occupiers are jointly rated will, when divided by the number of occupiers, give for each such occupier a sum not less than the amount herein before required.

The first election of Vestrymen under this Act in every parish shall be holden in the month of November next after the passing of this Act, and between the fifth and twenty-first days of that month; and the day on which such election shall commence shall be appointed by the Churchwardens of the parish, and twenty-one days previously to the day of election notice of such election shall be given in manner hereinafter directed concerning notice of election of Vestrymen and Auditors, and the next such election shall take place on such day in the month of May in the year 1857 as the Vestry shall appoint, and every subsequent election shall take place annually in the month of May in every year as the Vestry appoint.

III.

NOTICE OF ACTION TO PUBLIC BODIES.

No actions can be brought against the Metropolitan Board of Works, or against any Vestry, or District Board, or their Clerk, or any clerk, surveyor, contractor, officer, or person whomsoever, acting under their or any of their directions, for anything done or intended to be done under their statutory powers until the expiration of one calendar month next after notice in writing shall have been served upon such Board, Vestry, or person.[1] And every action shall be brought or commenced within six months next after the accrual of the cause of action, or ground of claim or demand, and not afterwards.

[1] 25 & 26 Vict. c. 102, section 106, and see also Joliffe *v.* Wallasey Local Board. 9 *Law Reports, Common Pleas*, p. 62.

IV.

RIGHT OF INDIVIDUAL AGAINST LOCAL AUTHORITY.

It is a most unfortunate omission in the Acts for regulating the management of the Metropolis, that no power is given to individuals aggrieved by the action or inaction of a local authority which can be speedily and cheaply resorted to. There are various indirect methods which have been referred to in these pages whereby a higher authority such as the Local Government Board may be induced to put pressure upon the local authority or to do its work, but there is no way in which an actual sufferer from the default of the parish authorities can compel the latter to do the duties which the law enjoins upon them. It is of course open to any person to endeavour to obtain a 'mandamus' from the Court of Queen's Bench to compel an authority existing under statute to perform its statutory obligations, but such a remedy is neither speedy nor cheap, and is moreover confined to cases where the authority has no discretion given it under the statute.

There is also a general but not very clearly defined right on the part of any individual who is damaged by the non-performance or mal-performance of a statutory duty by the Power entrusted by law with the duty of performing it. The right, however, which undoubtedly exists can only be used at present with some doubt and danger as to the result, owing to the somewhat conflicting and obscure judgments of the Courts in cases in which such actions have been brought. Those who are anxious to see how little light can be thrown on a difficult but most important question by six very learned authorities should refer to the cases of Atkinson *v.* the Newcastle and Gateshead Waterworks Company,[2] and Borough of Bathurst *v.* Macpherson.

If anybody after studying the judgments in these actions is clear as to his rights as an individual, he is to be congratulated, but however clear his views may be, he will probably find that if he is bold enough to put them to the test, the law will find special circumstances in his case sufficient to justify some conclusion other than that at which he has arrived.

[1] 2 Exchequer Division, p. 441.

[2] 4 Appeal Cases, 259.

V.

SAMPLE OF BYE-LAWS UNDER THE PUBLIC HEALTH ACT OF 1866.

PARISH OF ST. GEORGE THE MARTYR, SOUTHWARK.

Regulations relating to houses let in lodgings or occupied by members of more than one family made pursuant to the provisions of the Sanitary Act, 1866 (29 *&* 30 *Victoria, cap.* 90, *s.* 35), *and confirmed by one of Her Majesty's principal Secretaries of State (Vestry Hall, Borough Road, Southwark,* 1867).

WHEREAS by an Act passed in the Thirtieth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety entitled 'The Sanitary Act, 1866,' IT IS ENACTED THAT 'On application to One of her Majesty's Principal Secretaries of State by the Nuisance Authority of the City of London, or any District or Parish included within the Act for the better Local Government of the Metropolis or of any Municipal Borough or of any place under The Local Government Act, 1858, or any Local Improvement Act or of any City or Town containing according to the Census for the time being in force a population of not less than Five Thousand Inhabitants, the Secretary of State may as he may think fit, by Notice to be published in the *London Gazette*, declare the following Enactment to be in force in the District of such Nuisance Authority and from and after the Publication of such Notice the Nuisance Authority shall be empowered to make Regulations for the following Matters; that is to say:

'1. For fixing the Number of persons who may occupy a house or part of a house which is let in Lodgings or occupied by members of more than One Family.

'2. For the Registration of Houses thus let or occupied in Lodgings.

'3. For the Inspection of such Houses and the keeping the same in a cleanly and wholesome state.

'4. For enforcing therein the Provision of Privy accommodation and other appliances and means of cleanliness in proportion to the Number of Lodgings and Occupiers, and the cleansing and ventilation of the Common Passages and Staircases.

'5. For the cleansing and limewhiting at stated times of such Premises.'

AND THAT 'The Nuisance Authority may provide for the Enforcement of the above Regulations by Penalties not exceeding Forty

Shillings for any One Offence, with an additional Penalty not exceeding Twenty Shillings for every Day during which a default in obeying such Regulations may continue; but such Regulations shall not be of any validity unless and until they shall have been confirmed by the Secretary of State. But this section shall not apply to Common Lodging Houses within the Provisions of "The Common Lodging Houses Act, 1851" or any Act amending the same.'

And whereas application has been made to One of Her Majesty's Principal Secretaries of State by the Vestry of the Parish of Saint George the Martyr, Southwark (as the Nuisance Authority thereof), being a Parish included within the Act for the better Local Government of the Metropolis, and the Secretary of State by notice published in the said *London Gazette* has declared the said Enactment in the said Sanitary Act contained to be in force in the said Parish, Now Therefore the said Vestry in pursuance of the said Enactment have made such Regulations as aforesaid and the Secretary of State has confirmed the same as follows, namely :—

1*st*. '*For fixing the Number of persons who may occupy a house, or part of a house which is let in lodgings or occupied by members of more than one family.*'

The number of persons who may occupy a house which is let in lodgings, or occupied by members of more than one family, shall be not more than the aggregate number of the persons who may legally occupy the rooms therein, and the number of persons who may occupy a room in a house which is so let or occupied shall be not more than one person to each and every three hundred cubic feet of space contained in the said room, provided that a room which is used in common by more than one family for the purpose of cooking shall not be used as a sleeping room, and provided that in the case of Adults of different sexes occupying the same room as a sleeping room the number of persons who may occupy such room shall not be more than two besides children of such adults.

For the purpose of this regulation two children under twelve years of age shall be counted as one person, and every person above twelve years of age shall be considered as an adult. For any infraction of the foregoing regulations the Owner of the house and the person paying or liable to pay the rent of the house and the person paying or liable to pay the rent of the room shall be severally liable to the penalties hereinafter mentioned.

2*nd*. '*For the Registration of Houses thus let or occupied in lodgings.*'

Whenever any house is let in lodgings or occupied by Members of more than One family the Owner or the person so letting such house or part thereof or causing such house or part thereof to be so let or occupied on receiving or collecting or being entitled to receive or to collect the rent for any part thereof shall, for the purpose of the Registration of such house, upon requisition under the hand of an Officer of the Vestry being left on the premises and within seven days from the leaving of such requisition, give Notice in writing by leaving the same at the Vestry Offices, of the following Particulars relating to such house, namely :—

1. The Number or Name (if any) of such house and the Situation thereof.

2. The Name and Address of the Owner and of every person receiving or collecting or entitled to receive or to collect rent in respect of any part of such house.

3. The Average height, length and breadth, in feet and inches, of each and every room therein.

4. The numbers of the Inmates respectively of each and every such room.

5. The Names of the several Tenants or Occupiers thereof.

6. The several Rents payable therefor.

In case such notice be not so given as aforesaid or in case all such particulars as aforesaid are not in such Notice truly set forth, the Owner of the house and every person receiving or collecting or entitled to receive or to collect rent in respect of any part of such house shall severally be liable to the Penalties hereinafter mentioned.

A Register shall be kept at the Offices of the Vestry wherein shall be entered the cubical capacity of each room in any house which upon Notice as aforesaid or on being inspected is found to be so let or occupied in lodgings, and also the number of inmates by whom each of such rooms may be lawfully occupied, and the name and address of the Owner of such house and of the person letting the room or receiving the rent thereof and the amount of the rent paid therefor. And the said Register shall be open at all reasonable times for the inspection of any Ratepayer of the Parish, or owner, or inhabitant of the house. An Extract from such Register so far as relates to the number of persons by whom any room in any such house may legally be occupied and a Copy of any regulations applying thereto shall on being supplied by any Inspector of Nuisances or other Officer of the Vestry be kept suspended in an undefaced and legible condition on the inside of the door of the room to which they refer; and if the

said Extract and Copy or either of them be not so kept suspended and in an undefaced and legible condition as aforesaid the Owner of the house and the person receiving or collecting or entitled to receive or to collect the rent of such room and the person paying or liable to pay the rent of or occupying such room shall severally be liable to the Penalties hereinafter mentioned.

3*rd*. '*For the inspection of such Houses and the keeping the same in a cleanly and wholesome state.*'

The Medical Officer of Health or any Inspector of Nuisances or other person who may be authorised by the Vestry, or by any Committee of the Vestry may enter at any time any house (other than a Common Lodging House) so let or occupied as aforesaid and any room therein for the purpose of inspecting and registering the same or ascertaining the occupiers thereof, and any person who shall refuse admission to or shall obstruct such Medical Officer of Health, Inspector or such other person as aforesaid who may be entering or endeavouring to enter such house or performing or endeavouring to perform the duty of inspecting such house or of ascertaining the occupiers thereof or of any room therein shall be liable to a Penalty not exceeding Forty Shillings for any one offence.

If on inspection the premises be found not to be in a cleanly and wholesome state from want of paving, whitewashing, cleansing, repairing, effective drainage, proper ventilation or of other appliances and means of cleanliness the Vestry or the Sanitary Committee of the Vestry may by notice under the hand of an Officer of the Vestry to be left on the premises require the owner to pave, whitewash, cleanse, disinfect, properly drain, ventilate and repair the said premises, and from time to time periodically or otherwise as in such notice may be mentioned to do any or all such works as in the opinion of the Vestry or of the said Sanitary Committee shall be necessary to keep the premises in a cleanly and wholesome state, and if the requisitions of such notice as aforesaid be not complied with within the time or at the period or periods therein specified, the Owner shall be liable to the Penalties hereinafter mentioned.

If any Animal be kept on the premises so as to render them in the opinion of the Medical Officer of Health unclean or unwholesome the Vestry or the Sanitary Committee of the Vestry may require the animal so kept to be removed within such time as they may order; and if such order be not obeyed the person paying or liable to pay the rent shall be liable to the Penalties hereinafter mentioned.

Whenever in any house or room so let or occupied as aforesaid

any person is taken with or suffering from small-pox, fever or any dangerous infectious disorder, the person paying or liable to pay the rent shall give or cause to be given immediate notice thereof at the office of the Vestry, and the Owner of the house and every person receiving or collecting or entitled to receive or to collect rent in respect of any part thereof and every occupier and inmate respectively shall carry out or cause to be carried out any measures for disinfection that the Medical Officer of Health may direct. Any person failing to obey this regulation shall be liable to the penalties hereinafter mentioned.

Whenever any person shall die in any house occupied as aforesaid from small-pox, fever or any dangerous infectious disorder, the dead body shall forthwith be removed to some proper place away from such house; and in case any person in such house shall die from other cause than an infectious disease and the Medical Officer of Health shall direct the dead body to be removed, such dead body shall be removed to some proper place away from the said house as and when the Medical Officer of Health shall direct. In case any dead body be not removed as aforesaid the person paying or liable to pay the rent of the house and the person paying or liable to pay the rent of the room in which such body shall be, shall severally be liable to the Penalties hereinafter mentioned.

4th. '*For enforcing therein the provision of privy accommodation and other appliances and means of cleanliness in proportion to the number of lodgings and occupiers, and the cleansing and ventilation of the common passages and staircases.*'

Every house so let or occupied as aforesaid shall be furnished with at least one enclosed and properly constructed Water-Closet and also a sufficient Ashpit or Dustbin; and if the number of Inmates be more than twenty and less than forty then with at least two such Water-Closets and so on for any greater number of Inmates; and every house shall be furnished with either a constant or a daily supply of water, and if the supply be not constant there shall be provided to every such house for the storage of the water a clean sound covered receptacle capable of containing at least seven gallons for each several inmate, and the common passages and staircases of every such house shall be cleansed as from time to time shall become requisite, and shall be constantly kept clean, and shall be ventilated to the satisfaction of the Medical Officer of Health. If any house so let or occupied be without such water-closet or water-closets or such ashpit or dustbin as aforesaid or without either a constant or a daily water supply or

having such daily water supply be without such water receptacle as aforesaid, or if the common passages and staircases be not cleansed and kept clean as aforesaid or be not ventilated as the Medical Officer of Health may from time to time direct, then and in every such case the owner of the house and every person receiving or collecting or entitled to receive or to collect rent in respect of any part thereof shall severally be liable to the penalties hereinafter mentioned.

5*th*. '*For the cleansing and limewhiting at stated times of such premises.*'

All the ceilings of every house which is so let or occupied as aforesaid and the ceiling and walls of the water-closet or water-closets and the walls of the yard of every such house shall be cleansed and limewhited throughout in the month of April or May in every year; and in default hereof the Owner of the house and every person receiving or collecting or entitled to receive or to collect rent in respect of any part thereof shall severally be liable to the Penalties hereinafter mentioned.

The Penalties hereinbefore referred to for the infraction of any of the above Regulations shall be a Penalty not exceeding Forty Shillings for any one offence with an additional Penalty not exceeding twenty shillings for every day during which a default in obeying such Regulations shall continue; and such penalties shall be recovered and applied as Penalties under the aforesaid Sanitary Act 1866.

By the Vestry,

DANIEL BIRT,
Vestry Clerk.

Confirmed by me the undersigned One of Her Majesty's Principal Secretaries of State,

GATHORNE HARDY.

HOME OFFICE, 18*th September* 1867.

METROPOLITAN BOARD OF WORKS.

Bye-laws made by the Board under the provisions of the Metropolis Management and Building Acts Amendment Act, 1878, *section* 16.

1. FOUNDATIONS AND SITES OF BUILDINGS.

No House, Building, or other Erection, shall be erected upon any site or portion of any site which shall have been filled up or covered with any material impregnated or mixed with any fæcal, animal, or

vegetable matter, or which shall have been filled up or covered with dust, or slop, or other refuse, or in or upon which any such matter or refuse shall have been deposited, unless and until such matter or refuse shall have been properly removed, by excavation or otherwise, from such site. Any holes caused by such excavation must, if not used for a basement or cellar, be filled in with hard brick or dry rubbish.

The site of every House or Building shall be covered with a layer of good Concrete, at least six inches thick, and smoothed on the upper surface, unless the site thereof be gravel, sand, or natural virgin soil.

The foundations of the walls of every house or building shall be formed of a bed of good Concrete, not less than nine inches thick, and projecting at least four inches on each side of the lowest course of footings of such walls. If the site be upon a natural bed of gravel, Concrete will not be required.

The Concrete must be composed of clean gravel, broken hard brick, properly burnt baliast, or other hard material to be approved by the District Surveyor, well mixed with fresh burnt lime or cement in the proportions of one of lime to six, and one of cement to eight of the other other material.

The foregoing Bye-law shall not apply to any building or other erection to be used as a stable or shed, provided that such erection shall not be used for any public entertainment or assembly of persons, or as a dwelling or sleeping place.

2. DESCRIPTION AND QUALITY OF THE SUBSTANCES OF WALLS.

The external walls of every house, building, or other erection shall, except in the case of concrete buildings, be constructed of good, hard, sound, well-burnt bricks, or of stone, and shall be put together with good mortar and good cement.

Similar bricks shall be used in the portions of party and cross walls below the surface or level of the ground, and above the roof, including the chimney-stacks. Cutters or malms may be used in arches over recesses and openings in, or facings of, external walls.

Stone used for the construction of walls must be free from vents, cracks, and sand-holes, and be laid on its natural bed.

The Mortar to be used must be composed of fresh burnt lime and clean sharp sand or grit, without earthy matter, in the proportions of one of lime to three of sand or grit.

The Cement to be used must be Portland Cement, or other Cement

of equal quality, mixed with clean sharp sand or grit, in the proportions of one of cement to four of sand or grit.

Burnt ballast or broken brick may be substituted for sand or grit, provided such material be properly mixed with lime in a mortar mill.

Every wall of a House or Building shall have a damp course throughout its whole thickness, of Asphalte, or other material impervious to moisture. The damp course in external walls shall be at a height of one foot above the level of the ground directly abutting upon the external wall, and in the party or internal walls at a level of not less than six inches below that of the lowest floor.

The top of every party-wall and parapet-wall shall be finished with one course of hard, well-burnt bricks set on edge, in cement, or by a coping of any other waterproof and fire-resisting material, properly secured.

3. DUTIES OF DISTRICT SURVEYORS.

It shall be the duty of each District Surveyor, on receiving notice of the commencement of any House, Building, or other Erection, or of any alteration or addition, or on his becoming aware that any House, Building, or other Erection, or any alteration or addition, is being proceeded with, to see that the provisions of the foregoing Bye-Laws are duly observed (except in cases where the Board may have dispensed with the observance thereof), and to see that the terms and conditions upon which any dispensation may have been granted are complied with.

4. FEES TO BE PAID TO DISTRICT SURVEYORS.

The District Surveyor shall in respect of the erection of any House or other Building, be entitled to receive the sum of Five Shillings, the same to be taken and deemed to be a fee due to such District Surveyor in respect of the duties imposed upon him by the Metropolis Management and Building Acts Amendment Act, 1878, and these Bye-laws; such fee to be payable in the manner and at the time prescribed by section 51 of the Metropolitan Building Act, 1855. The District Surveyor shall also, in every case where, in respect of any breach of these Bye-laws or of the above Act of Parliament, an application shall be made by him to a Justice, and an order made thereon, be in like manner entitled to receive the sum of Ten Shillings, in addition to the before-mentioned fee of Five Shillings.

5. DEPOSIT OF PLANS AND SECTIONS.

On notice being given to a District Surveyor of the intended erection, re-erection, alteration of, or addition to a Public Building, or a Building to which Section 56 of the Metropolitan Building Act, 1855, applies, it shall be the duty of the person giving such notice to deposit plans and sections of such erection, re-erection, alteration, or addition, with the District Surveyor. Such plans and sections shall be of sufficient detail to show the construction.

On notice being given to the District Surveyor of the intended erection or alteration or addition to any house, building, or other erection, other than a public building, the District Surveyor may, if he think fit to do so, by notice in writing, require the person giving such notice to produce a plan or plans and sections of such house, building, or other erection or of the intended alterations or additions thereto, for his inspection.

6. PENALTIES.

In case of any breach of any of the provisions contained in these Bye-laws, the offender shall be liable for each offence to a penalty not exceeding three pounds, and, in each case of a continuing offence, to a further penalty not exceeding thirty shillings for each day after Notice thereof from the Board or the District Surveyor.

In any case, if the Board think it expedient, they may dispense with the observance of any of the foregoing Bye-laws, or any part thereof, upon such terms and conditions as they may think proper, and in case of the non-observance of any terms and conditions upon which the Board may have dispensed with the observance of any of the foregoing Bye-laws, then such proceedings may be taken, and such liabilities shall be incurred, as if no such dispensation had been granted.

Sealed by Order,
J. E. WAKEFIELD,
Clerk of the Board.

L. S.

SPRING GARDENS,
3rd October, 1879.

I confirm the foregoing Bye-laws,
R^D. ASSHETON CROSS,
One of Her Majesty's Principal Secretaries of State.

WHITEHALL,
6th October, 1879.

Metropolitan Board of Works.

Metropolis Local Management Act. Bye-Law as to the Formation of New Streets in the Metropolis.

Made by the Metropolitan Board of Works, at a meeting of the said Board held at Guildhall, in the City of London, on the 17th day of March, in the year of our Lord 1857, in and for the limits of the Metropolis, as defined by an Act passed in the Nineteenth year of the reign of Her present Majesty, 'For the better Local Management of the Metropolis,' and submitted to and confirmed at a subsequent meeting of the said Board, held at Guildhall aforesaid, in and for the limits aforesaid, on the 3rd day of April, in the year of our Lord 1857; and approved by the Right Honourable Sir George Grey, Baronet, one of Her Majesty's Principal Secretaries of State, pursuant to the said Act; and published this 1st day of May, A.D. 1857.

In pursuance of the powers vested in the Board of Works, by the Act of Parliament passed in the Nineteenth year of the Reign of Her present Majesty, intituled 'An Act for the better Management of the Metropolis,' It is hereby ordered by the said Board as follows, that is to say:—

1. Four weeks at the least before any New Street shall be laid out, written notice shall be given to the Metropolitan Board of Works, at their office, Spring Gardens, in the County of Middlesex, by the person or persons intending to lay out such New Street, stating the proposed level and width thereof, and accompanied by a plan of the ground showing the local situation of the same.

2. Forty feet at the least shall be the width of every New Street intended for carriage traffic; twenty feet at the least shall be the width of every New Street intended only for foot traffic; Provided that the said width, respectively, shall be construed to mean the width of the carriage and footway only, exclusive of any gardens, forecourts, open areas, or other spaces in front of the houses or buildings erected or intended to be erected in any street.

3. Every New Street shall, unless the Metropolitan Board of Works otherwise consent in writing, have at the least two entrances of the full width of such Street; and shall be open from the ground upward.

4. The measurement of the width of every New Street shall be taken at a right angle to the course thereof, half on either side from the centre or crown of the roadway to the external wall or front of

the intended houses or buildings on each side thereof; but where forecourts or other spaces are intended to be left in front of the houses or buildings, then the width of the Street, as already defined, shall be measured from the centre line up to the fence, railing, or boundary dividing or intended to divide such forecourts, gardens, or spaces from the public way.

5. The carriage way of every New Street must curve or fall from the centre or crown thereof at the rate of three-eighths of an inch, at the least, for every foot of breadth.

6. In every New Street the kerb to each footpath must not be less than four nor more than eight inches above the channel of the road-way, except in the case of crossings, paved or formed, for the use of foot-passengers; and the slope of every footpath towards the kerb must be half an inch to every foot of width, if the footpath be unpaved, or not less than a quarter of an inch to every foot of width, if the footpath be paved.

7. In this Bye-Law the word 'Street' shall be interpreted to apply to and include any highway (except the carriage-way of any turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, or passage, whether a thoroughfare or not; and a part of any such highway, road, bridge, lane, footway, square, court, alley, or passage.

8. In case of any breach of the regulations contained in this Bye-Law, the offender shall be liable for each offence to a penalty of Forty Shillings; and in case of a continuing offence to a further penalty of Twenty Shillings for each day after notice thereof from the Metropolitan Board of Works.

INDEX.

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET